Thomas Everette, Jr, on behalf of

THOMAS EVERETTE JR

Everettethomas1127@gmail.com

POST OFFICE BOX 5

BETHEL NC 27812

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF NORTH CAROLINA

STATE OF NORTH CAROLINA,

EDGECOMBE COUNTY

Plaintiff,

Case No. 4:23-CV-63-D

V.

THOMAS EVERETTE, JR.

Defendant

NOTICE OF REMOVAL OF STATE COURT ACTION

TO UNITED STATES DISTRICT COURT

TO: THE HONORABLE DISTRICT COURT CLERK OF THE UNITED STATE DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA.

In accordance with 28 U.S.C.1441,1442 (a)(1) and 1446(c) &(f) pursuant to section 337(c) of the Tariff Act of 1930, Defendant THOMAS EVERETTE, hereby give notice of removable of this action from the North Carolina General Court of Justice, Superior Court, Martin to the United States District Court for the Eastern District of North Carolina, Eastern Division. This action is one which may be removed to this court by defendant pursuant to the provisions of 18 U.S.C 241-242 and 42U.S.C.§1981.

NOTICE OF REMOVAL OF STATE COURT TO FEDERAL COURT

PEASE TAKE NOTICE that defendant Thomas Everette, Jr., has removed to the United States District Court for the of North Carolina all claims and causes of action in criminal action styled State of North Carolina Martin County Case No.23CR215747-320, 23CR215750-320and 23CR215753-320 (the "State Court Action") now pending in the District Court for the state of North Carolina. Seventh Judicial District at Tarboro Edgecombe County pursuant to 28 U.S.C §1446.A Copy of all process, pleading and orders served upon defendant to date in the state Action are attached as Exhibit A.

Defendant's grounds for removal are as follows:

1. This Civil Action is Founded on a Claim or Right Arising Under the Laws of the United States.

A. 18 U.S.C 241-241 and 42U.S.C §1981 The State Court Action is removable to this court pursuant to 28U.S.C §1441(a) as plaintiff s cause of action is a federal question arising under the Law of the United States ,Specifically, the Civil Right Act of 1886,42 U.S.C.§1981 .

There is some confusion, I believe someone is attempting to simulate a lawful process. It appears to the necked eye and the unsuspecting individual that there is a claim that someone was under contract, and that somehow the contract was breached, and that somehow this civil agreement could equate to a criminal liability, I on behalf of the DEFENDANT object- without recourse, and demand proof be made to appear on the record as to such validity of an erroneous presumption.

I, acting on behalf of the defendant hereby object to the Court's jurisdiction which is our right

U.S. Supreme Court Rhode Island v. Massachusetts, 37 U.S. 12 Pet. 657 (1838)

Rhode Island v. Massachusetts, 37. U.S. (12 Pet.) 657 Syllabus

"... Jurisdiction is the power to hear and determine the subject matter in controversy between parties to a suit—to adjudicate or exercise any judicial power over them. An objection to jurisdiction on the ground of exemption from the process of the court in which the suit is brought or the manner in which a defendant is brought into it is waived by appearance and pleading to issue, but when the objection goes to the power of the court over the parties or the subject matter, the defendant need not, for he cannot give the plaintiff a better writ, or bill,

... Its action (the court) must be confined to the particular cases, controversies, and parties over which the Constitution and laws have authorized it to act; and proceeding without the limits prescribed is CORAM NON Judice, and it's action nullity.

And whether the want or excess of the power is objected by a party or is apparent to the Court, it must surcease it's action or proceed extra judicially.

Jurisdiction is the power to hear and determine the subject matter in controversy between parties to a suit, to adjudicate or exercise any judicial power over them; the question is, whether on the case before a court, their action is judicial or extra-judicial; with or without the authority of law, to render a judgement or decree upon the rights of the litigant parties. If the law confers the power to render judgement or decree, then the court has jurisdiction; what shall be adjudged or decreed between the parties, and with which is the right of the case, is judicial action, by hearing and determining it. 6

Peters, 709; 4 Russell, 415; 3 Peters, 203-7' Cited by STATE OF RHODE ISLAND V. COM. OF MASSACHUSETTS, 37 U.S. 657, 718 (1838)

From the beginning this party said, as stated, has objected to the Court's jurisdiction, documenting the unwillingness of the defendant to submit to the Court's jurisdiction leaving the court and the so- called prosecution in want of writ and/or bill- An objection to jurisdiction on the ground of exemption from the process of the court in which the suit is brought or the manner in which a defendant id brought into it ... but when the objection goes to the power of the court over the parties or the subject matter,(as was the case and is the case at present) the defendant need not, for he cannot give the plaintiff a better writ, or bill" rendering the proceedings and any orders, decrees, judgments, warrants, decisions any proceeding without the limits prescribed is CORAM NON Judice, and it's action a nullity!"

Where a court has jurisdiction, it must decide every question which occurs in the cause; and whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court. But, if it acts without authority, its judgments and order are regarded as nullities. They are not voidable, but simply void; and from no bar to recovery sought, even prior to a reversal, in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers. See Elliott v.Peirsol,1 Pet.328,340,26 U.S.328,340,7Led.164(1828)

WRIT OF CORAM NON JUDICE

In presence of a person not a judge. When a suite is brought and determined in a court which has no jurisdiction in the matter, then it is said to be **CORAM NON JUDICE, and** the judgment is void.

OBJECTION

The act of a party who objects to some matter or proceeding in the course of a trial, or an argument or reason urged by him in support of his contention that the matter or proceeding objected to is improper or illegal. Used to call the court's attention to improper evidence or procedure.

We, accept your offer the contract under the following terms and conditions and this shall be construed as a counter offer done with full immunity and without recourse with respects the undersigned and his avatar; I shall be deemed to have obtained the age of majority retroactively, and to have disaffirmed any and all contracts made in infancy! I shall be deemed and it shall be held and adjudicated that I am a competent, natural Man, a natural person, that my words are never to be constructed liberally, but contextually. That the only law that shall apply to my person is the principles of the "Golden rule" otherwise known as The Common Law. Acceptance of your offer is contingent on the aforementioned and your rebutting each and every one of the PROOF OF CLAIM herein, point by point with facts and conclusions of the law of the land, original jurisdiction, common law, and that I and my property and my interest are to be considered and held indemnified against any and all consequences as this agreement entered into is without recourse on my behalf and interest.

It is believed that you are a commercial entity, conducting commercial business, an entity that files COMPREHENSIVE ANNUAL FINANCIAL REPORTS inclusive of references, notes, ledgers,

term definitions and by this conduct you document that you do not represent the sovereign order a private organization, engaging in private contracts to offer and subscription and/or application. I acting on my own behalf and on behalf of the defendant choose not to enter or engage in contract unless it's under my terms. My term are spelled out within the body of this instrument, if you should except those/these terms in their entirety without exception and/or amendment and or augmentation, then we shall proceed. If you choose not to accept the terms of this contract, then you have subjected my person, my interests, my estate, my assets, my property to involuntary servitude, which is illegal in all venues within the borders of the United States of America, a crime for which it is punishable by imprisonment and a fine, and restitution for damage done. This shall serve as notice upon the agents acting in agreement and in conspiracy with you to accomplish the ends for which you presume justify the means. You are held liable under terms of arbitration specified herein, arbitration is an administrative remedy that has not been exhausted as yet, a remedy that remains available to my person, to my interests, to my estate, with reference my property.

I would therefore demand that there be a showing of cause, that a warrant, affidavit, and the contract be made to appear on the record immediately which would somehow under some felonious circumstances purport to grant the court jurisdiction. Now just so that we have a clear understanding, I believe that someone held a hearing exparte' by which they sought to obtain a warrant, however, it must be known that to warrant shall issue unless upon probable cause, in accord with due process of law. The due process of law that is guarantee is every person in America by the legal person, Physical person, juristic person, and/or natural person, and or artificial person, is that of common-law. Common law was the law in operation at the time and reference when due process clause was introduced. The so-called courts of original jurisdiction, under the constitution as that is reserved for the Supreme Court. so since it is an absolute necessity that a party be notified before being subjected to any significant deprivation of rights, and that the hearing not be fixed in form, I will need such to be produced on the record where notification was sent to the alleged defendant and/or his party representative, and must demand that information be made to appear immediately!

A continuing and running challenge to jurisdiction!

The most novice of legally wise are aware that they have the right to challenge jurisdiction, that they can challenge jurisdiction at any time, and that jurisdiction once challenged must be proved. I, acting on behalf of the alleged defendant does not enter a plea, did not permit anyone to enter a plea, shall never enter a plea, I have not, do not and shall not be forced and or compelled to enter your jurisdiction and or a plea!

PROOF OF CLAIM, Whereas the issue of a trial or hearing exists when the plaintiff and defendant arrive at some specific or matter in which One affirms and the others denies {See: Black's Law Dictionary, 2nd Ed., West Publishing, 1910, p.657}, Hey court does not create the issue by asking the "named" defendant how they dispute the "so-called" charges.

PROOF OF CLAIM, if there is a statute/law within and upon the face of a charging document/ instrument which alleges/charges a violation of an unconditional statute law, or is From another State, or legal entity, or even a un/non-constitutional legislative entity," such as those statues/laws cited from the United States code and specifically THE ACT OF MARCH 9th, 1933 Proclamation 2038, 2039, 2040 AND titles 4, 7, 11, 12, 15, 16, 18, 28, 31, and 42 USC; C.F.R., THE FEDERAL REGISTRY, There are within and upon the face of the warrant of arrest, charging document/instrument (Indictment), And affidavits in support thereof within the above referenced alleged Criminal Case/Cause, a defendant; and specifically "named" Defendant within the above referenced alleged Criminal Case/Cause, In the act of entering a plea or verdict thereto; and therein, does not thereby; and therein, admit to the geniuses of said "charging document/instrument (Indictment); and, does not admit to the validity of the statute(s) law(s) cited therein; and, does not thereby form the issue for trial which would exist even without a plea, and without which there would be anything before the court or jury for trial. [See: Frisbe v. United States, 157 U.S. 160, 165; 39 L. Ed. 657 (U.S. La. 1895), which States: "The Very active pleading to it [and indictment] admit it's geniuses As a record."; Koscielski v. State, 158 N.E. 902, 903 (Ind. 1927), which States: "The plea forms the issue to be tried, without which there is nothing before the court or jury for trial."; cf. Andrews v. State, 146 N.E. 817, 196 Ind. 12 (1925); State v. Action, 160 A. 217, 218 (N.J. 1932); United States v. Aurandt, 107 P. 1064, 1065 (N.M. 1910)]

PROOF OF CLAIM- The right to not enter a plea- entering a plea is the first step in granting the Court jurisdiction to hear a matter:

a. "It is an elementary rule of pleading, that a plea to the jurisdiction is the first (step) in the order of pleading, and that any (other or additional) plea which refers to the Court any (additional proof and or acknowledgement) other question, is a tacit admission that the Court has the right (jurisdiction) to judge in the cause (i.e. subject matter jurisdiction), and is a waiver of all exceptions (i.e. acquiescence, whereby no challenges can be allowed respecting) to the jurisdiction. "Girty v. Logan, 6 Bush Ky. 8

PROOF OF CLAIM- "Whenever it appears upon the record that the court has no jurisdiction (i.e. "in want of jurisdiction"), nothing which the parties may do or omit to do will give it (that is, jurisdiction to the Court); but where want of jurisdiction may exist consistently with the record (fingerprints, presumptions, assumptions, photographs, affidavits, documents, statements); a plea to the action (either entered by the Court or by counsel/attorney or by a party) is a waiver of any exception to the jurisdiction (i.e. the party waived his rights and it submits to the jurisdiction of the Court). "Lawrence v. Bassett, 5 Allan 140

PROOF OF CLAIM, it appears within and upon the face of the record of the alleged court of record in the above referenced alleged Criminal Case/Cause, the nature of the statute(s) law(s) cited within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof, as relied upon by said court to assume its jurisdiction in the case/cause and over and upon the parties therein; and, the consequences of entering a plea; as established supra at Proof of Claim were disclosed to "named" defendant within the above referred alleged criminal Case/Cause, and the Undersigned by ANY "officer" upset court and/or United States; and, was not rather actively concealed and hidden from the "named" defendant and the Undersigned by said "officers"; And, search concealed does not operate to constitute/establish acts of fraud upon and against the "named" defendant and the Undersigned within the above referenced alleged Criminal Case/Cause.

PROOF OF CLAIM, courts in the legal system today; And specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can and do recognize and proceed upon common-law crimes/offense, and therefore acts, which are made crimes/offenses, are not made so by statute, or rather "Code."

PROOF OF CLAIM, that all crimes are not commercial. [See. Constitution of/ for the United States of America (1789, as amended 1791) Art. I, § 8, cl. 3 and 1 8; accord specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, USC; Title 27 CFR § 72.11; and United States v. Volungus, 595 F.3d 1. 4-5 (1st Cir. 2010); United States v. Pierson, 139 F. 3d 501, 503 (5th Cir.), cert. denied, 525 US 896, 142 L Ed 2d 181, 119 S Ct 220, 1998 U.S. LEXIS 5985 (1998).]

PROOF OF CLAIM, the lack/want of subject-matter jurisdiction cannot stop a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, from proceeding; and, does not void ALL orders, decisions, judgments, and the like of said court as it cannot be waived, may be asserted at any time; even after trial for the first time, and is not affected by NOR negated by the act of entering a plea; not even a guilty plea, as such would confess nothing; and, this lack/want of subject-matter jurisdiction, whether ensuing from a fatality defective warrant of arrest or charging document/instrument; e.g., an Incident as in the above referenced alleged Criminal Case/Cause, for employing/using and citing "unconstitutional statute(s) law(s); or, "un/non-constitutional" statute(s) law(s) Code(s) without nexus (relationship); e.g., contract or otherwise, establish an existing between the parties, does not effectuate the same results; i.e., the judgment is void and a complete nullity ab initio, unenforceable, and without binding force and effect, even before reversal.

PROOF OF CLAIM, whereas other State Supreme Courts have held these so-called "Revised Codes," or however termed/styled, not to be the law of their representative States, The United States code is any different from these other so-called "Revised Codes"; and, is the law of the United States of America. [See: in re Self v. Rhay, 61 Wash. 2d 261, 264, 265, 377 P. 2d 885 (1963); cf. Oakley v. Aspinwall, 3 N.Y. 547, 568; Village of Ridgefield Park v. Bergen Co. Bd. Of Tax, 162 A. 2d 132, 134, 135, 65 N.J. Super. 133 (1960), citing: State v. Burrow, 104 S.W. 526, 527, 119 Tenn. 376 (1907)]

PROOF OF CLAIM, all jurisdiction with; and of, the United States/United States is not by "contract"; and, said contractual constraints are not binding upon ANY and ALL courts within said juridical constructs and the jurisdiction exercised therein.

PROOF OF CLAIM, "Executive Power"; i.e., the administrative branch of Government; State and federal/national, as created, ordained, and established within the written document/instrument for its existence, is not limited and guided by the "law of the land."

PROOF OF CLAIM," law of the land" and "due process of law" do not have the same meaning; and the law intended by the Constitution; State and federal/national, is not the common-law. [See: State v. Doherty, 60 Maine 504,509 (1872), which States: :The expressions ' due process of law' and 'law of the land' have the same meaning... The 'law' intended by the constitution is the common law that was handed down to us from our forefathers, as it existed and was understood and administered when that instrument was framed and adopted."]

PROOF OF CLAIM, THE "due process of law" clause as expressly written within the Constitution for the United States of America, does not make and establish the common-law the "law of the land." [See: U.S. Const. 4th Amendment; Walter Anderson, A Treatise on the Law of Sheriffs, Coroners, and Constables, vol. I, § 166, p. 160 (1941), which States: "Heed should ever be paid to the voice of common law as it has echoed down through the ages, loudly proclaiming in the interest of the rights of the citizen, that it must not be forgotten that there can be no arrest without due process of law...]

PROOF OF CLAIM, the common-law is not the foundation of "due process of law." [See: 6 R.C.L., § 434, which States: "... it is clear that the common law is the foundation of which is designated as due process of law,']

PROOF OF CLAIM, "due process of law" and "the law of the land" does not declare that, a Private Citizen, cannot be deprived of his liberty or property unless by the judgment of his peers or the law of the land. [See: Constitution of/for the United States of America (1789, as amended 1791) article and amendment V; Thomas Cooley, constitutional limitations, 364 and notes].

PROOF OF CLAIM, "due process of law" and what constitutes saying is determined by the "Legislative Power" of Government; State and/or federal/national, and specifically that as exercised by the General Assembly of the present existing Government of the United States within and/or through its Statutes; and, is not a restraint upon the legislative as well as the executive and judicial powers of Government. [See: Murray's Lessee v. Hoboken Imp. Co., 18 How (U.S.) 272, 276 (1855), which States: "It is manifest it was not left to the legislative power to enact any process which might be devised. The [due process] article is a restraint on the legislative as well as the executive and judicial powers of government, and cannot be so constructed as to leave Congress free to make any process 'due process,' by its mere will."; State ex eel. V. Billings, 55 Minn. 466, 474 (1893)]

PROOF OF CLAIM, whereas the congress of the federal government is not free to make any process it deems fit as constituting "due process of law", General Assembly of the United States is free to make any process it deems fit as constituting due process of law.

PROOF OF CLAIM, what constitutes "due process of law" is not to be ascertained by an examination of the settled usages and modes of proceeding in the common and statute laws of England before the immigration of The People to this land and adoption of any Constitution. [See: Twining v. New Jersey, 211 U.S. 78, 100 (1908)].

You see, I realized the onus is not on myself, it's not my responsibility to prove you have no jurisdiction, it's your responsibility to prove you have jurisdiction. In times past these so-called ministerial clerks otherwise known as judges for the administrative court, have sidestepped, ignored, have avoided responding directly to challenges. You don't get to do that, not in this instance you do not, you will prove your standing, you will prove your capacity, you approve your jurisdiction, you approve your authority, you approve that you represent the sovereign.

I know my state shall never consent to involuntary solitude, and yes all of your actions or actions of involuntary servitude unless you can show that there is a contract, a subscription to licensed, that wasn't entered into knowingly, willingly, intentionally, deliberately, with full knowledge and awareness at the time of the it's engagement.

You will prove that this party has not attained the age of maturity.

You will prove that this party does not have the right to be at liberty.

You will prove that your so-called defendant is a natural person.

You will prove that the captioned name any you are compliant represented by all capital letters is a natural person, and not a legal person and/or legal name.

What is meant by you approve, is that your presumption of law is hereby challenged, there is no foundational principle and presumption of law. There is a foundation principle in an unrebutted affidavit, that there is no foundational principle for an unrebutted assumption, presumption. Just because you raise a point does not mean that another party is obligated to counter your point, if you raise a point it must be supported by facts and conclusions of law in the first instance or is construed in law as an invalid point. There must be validity to your claims, and yet you produce documents that are neither certified, backed by full faith and credit, which are facsimiles, copies, not evidence. And then you allow your so-called officers of your so-called courts to testify, to introduce evidence, and this is contrary to the very same decisions handed down by your very same courts. For instance, an attorney, cannot testify, nor can attorney introduce evidence into a case, you cannot do it on his behalf, and or on the behalf of another. Either he is an attorney, or he is a witness, but he cannot be both. If he offers testimony, the net testimony can be impeached, if he introduces evidence, that so-called evidence must be supported by facts and conclusions of law, not know so-called rules of evidence. The courts don't get to create rules they are servants, can't create a rule that governs the people, there is no delegation of authority, and if there is please provide such with specifically, these rules that are completely spelled out within the framework of the Constitution and the Northwest ordinance of 1879. So I bring forth this my running objection to anyone claiming that they have introduced evidence, especially if they need to introduce things such as fingerprints, photos, documentation, and or testimony of any kind. The information produced must be supported by an affidavit, sworn testimony underpinned by individual first hand not facts, not first-hand knowledge of presumptions.

The only thing that a party can do is to make objections to the following:

your jurisdiction comes from the entering of a plea, the subscription and/or license The contract! I nor my property shall, will ever consent to such a subscription, to such a license, to such a contract quasi-or Otherwise, under any circumstances whereby the benefit does not equate to the requirement. You see your contracts, your agreements, requires servitude to my God. Your practices interfere with my rights to practice my religion as I choose and as directed by my God. You cannot impair my contract with my God, you cannot interfere and or attempt to negate the obligations of my voluntary contract with my God. This is how I know that there is no possible way you could have a contract with myself, whereby I

would have volunteered to be in servitude, because I am prohibited by my God from serving another or another God.

So a show of cause hearing is demanded and the following attached proof of claims by way of government must be responded to a claim by claim for which you are making with facts, conclusions of law, specifically, without conjecture, without Statements unsupported by facts or conclusions of law. Please keep in mind only Congress in the United States has the authority to make law, so the courts and their so-called case law is inadmissible in every court, because case law has never been the law, and a ruling by judge is not a ruling by a common law jury, but the constitution only recognizes the decisions of a common law jury as being on rebuttable, so once again I placed my running objection to the aforementioned agreements, standing capacity, and lawful application. Your courts are debt collectors the United states is deemed in law to be a debt collector, these proceedings take place under an act which identifies procedures for collecting a debt (28 USC 3002).

the law grants myself, my person the right to offset, the damage that has been suffered, the void judgment that has not been corrected, despite the fact that this court an appeals court had an obligation to correct the void judgment. The denial of due process, the denial of the right to an evidentiary hearing, the denial of the right to subpoenas, the denial of the right to medical treatment, the denial of the right to bail, the denial of the right to access the court, then now of the right to access the males, the denial of the right to practice a religion of choice, the denial of the right to be at liberty, denial of the right to contract, the denial of the right to speak, the denial of the right to not be subjected to cruel and unusual punishment, the denial of the right to not be subjected to the invasive examination of one's capacity, the denial of the right to challenge the jurisdiction of your courts in every other complaint associated with this matter presented to this body by this person.

You and this court and the other officers of this court can take an oath, you are under oath while sitting in the capacity of your office, anything you say can and will be used against you under that oath of office, and it is under that oath that I will bring forth my claim against you, and we will continue my claim by introducing this into your courts and proceeding with an administrative remedy known as arbitration. You will have 10 calendar days from the date of receipt of this communication to respond, 10 calendar days whereby you will have to rebut each and every one of the accompanied governing "proof of claims" and/provide facts and conclusions of law supporting your position. Failure to do so will be construed as a violation of your oath of office, acting in bad faith, and such would be construed as bad behavior during the Commission of your duty of care of office.

... we said in western Lawrence County Road Improvement District v. Friedman-D'Oench Bond Co., 162 Ark. 362, 258 S.W. 378, 382: At section 537 of Page on Contracts (2d Ed,), it is said: 'One who has entered into a contract which (he or she) might avoid because of personal incapacity, such as an infant, an insane person, a drunkard, and the like, has the election to affirm such contract, or to disaffirm search contract, or to disaffirm it, and when (he or she) has exercised (his or her) election, with full knowledge of the facts, such election is final... An infants contracts relating to personal rights or personality may be

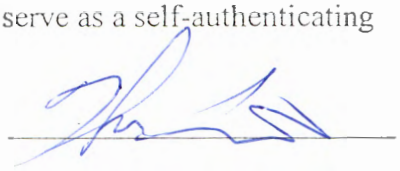
disaffirmed by him while (he or she) is still an infant..." The general rule, ... Is that the disaffirmance of a contract made by an infant nullifies it and renders it void ab initio,... and an infant may disaffirm contract during (his or her) minority or within a reasonable time after reaching (his or her) majority. The general rule, ... Is that the disaffirmance of a contract made by an Ant that nullifies it and renders it void ab initio, and that the rights of the parties are to be determined as though the contract had not been made, the parties being restored to this status quo**... In 27 Am, Jur. Infants, § 11, p. 753;... 43 C.J.S. Infants § 76 c, at page 183; In 43 C.J.S. Infants § 75b, at p. 171; 43 C.J.S. Infants § 75f, p.176,

Executors and Administrators, § 189; In 43 C.J.S. Infants § 75, p. 176, 43 C.J.S., Infants, § 78, pp. 190,192...

A brother a test, affirm, declare, as well as certified that I have first-hand actual knowledge of all of the events described herein. That the legal document, certificate of title, security instrument noted above carries information of my name as well as other credentials that of no other person, I am the owner. That I have resigned as registered agent for the agency associated with this instrument, and did so by sending proper notification to responsive parties. That I hereby withdraw any and all permissions extended to any and every party at any and every time to oversee my properties with reference to this instrument, my securities, and/or my interest, I am the true holder in due course, and disaffirm any and all contracts to the contrary. I have attained the age of maturity, I am competent, I am capable of handling my own affairs and require/request that this be reflected in all records associated thereto/hereto immediately! I hereby my own accord and in compliance with the Age of Majority Act And the associated local act(s) assume, commandeer, seize control of any and all accounts, assets, affairs associated with the minor account(s) and any and all primary account(s), heretofore, forthwith, retroactively, and perpetually.

Director server flex the attaining of the age of majority/adulthood, binding upon all jurisdictions, that I am a Native American, born in North America on the date indicated on the certificate of live birth, and this is my will, and I place this information as a Memorial of my will, And do so a testing under the organic constitution of the United States of America, that the aforementioned information is accurate and I DO HEREBY ATTEST, DECLARE AS WELL AS AFFIRM THAT I HAVE NOTICE OF ESTOPPEL AND STIPULATION OF CONSTITUTIONAL CHALLENGE.

This affidavit is completed with my hand sign, which shall serve as a self-authenticating notary i.e. evidence.



SHOW OF CAUSE PROOF OF CLAIM DEMAND

SERVED BY: UNITED STATES POSTAL SERVICE by the
UNITED STATES POST OFFICE via First Class Postage Prepaid
Conditional Acceptance for the Value/Agreement/Contract no.
JSTE-OSHJGTAQNVHSDAUETJKDO-925479QJFA61°

PARTIES

RESPONDENTS/OFFEREE:
NORTH CAROLINA
ATTORNEY GENERAL at
9001 Mail Service Ctr.
Raleigh NC 27699

CLAIMANTS/OFFEROR:
Thomas Everette, Jr.
C/O;

Acting on behalf of:

THE STATE OF NORTH CAROLINA
NORTH CAROLINA STATES SUPREME COURT
NORTH CAROLINA STATES CONGRESS
NORTH CAROLINA EXECUTIVE OFFICE OF THE GOVERNOR
NORTH CAROLINA STATES DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF: CONDITIONAL ACCEPTANCE FOR VALUE FOR PROOF OF CLAIM AS TO THE NATURE AND SOURCE OF THE LAW, VENUE, JURISDICTION, AUTHORITY, AND RELATIONSHIP THERETO; NATURE AND CAUSE OF ARREST, CRIMINAL PROCEEDINGS PROCESSES, LAWFULNESS THEREOF, AND PROCEDURAL LEGALITY THEREIN; VALIDITY AND ENFORCEABILITY OF JUDGMENT(S), ORDER(S), WARRANT(S), UNLAWFUL IMPRISONMENT, AND THE LAWFULNESS THEREOF, POSSIBLE CONTRACT VIOLATION, FRAUD; ASSUMPTION OF DEBT, AND OTHER RELATED MATTERS AS ALL SUCH RELATE TO AND BEAR UPON CRIMINAL CASE/CAUSE # , BEING VOID AB INITIO.

"**Statement of Purpose**. The general court finds that the authority of the department of safety i.e. Department of Transportation/motor vehicles, THE UNITED STATES, the DISTRICT OF COLUMBIA, THE EXECUTIVE BRANCH, the UNITED STATES LEGISLATURE, the UNITED STATES COURTS is limited to only the commercial users of the public ways and that the corporate State employees have, by their silence, failed to fully inform the sovereign people of the United States of America that an automobile, a Trust, Legal Person has been confirmed by UCC 9-102, 9-109, to be "private property" defined as "household goods" and "consumer goods" not for commercial use or for profit or gain. Further, the courts have found that corporate public servants who ignore their accountability as mandated in Bill of Rights, have by their silence and failure to fully inform the sovereign people of the consequences arising from the corporate "offer to contract," is deemed silent deception and inducement by fraud."

Dear Josh Stein North Carolina Attorney General:

I. INTRODUCTION

1.1 I have recently, through exhaustive study and research, come across certain information and apparent facts relating to and bearing upon matters within and arising from, the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** beginning with the arrest of My Self; hereinafter "Undersigned, and the subsequent prosecution and criminal procedures resulting in the conviction and subsequent imprisonment of the Undersigned for what appears to be alleged violation(s) of alleged statute(s)/law(s) as contained within the United States Code (Statutes); and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, USC; thereof, which may, or may not be constitutional in accordance with and pursuant to the Constitution for/of the United States of America; unless otherwise specifically noted, therefore creating the presumption that constitutional impermissible acts and misapplication of statute/law have occurred within; and throughout, the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** ab initio in which your court, office, and the United States participated within; and, therein proceeded against the Undersigned to achieve the conviction and imprisonment.

1.2 In the Undersigned's review of the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** in light of information, and apparent facts relating to and bearing upon same, which have surfaced as a result of Stated studies and research as to matters referenced above, such have left the Undersigned confused; to say the least, and uncertain as to the validity and lawfulness of said proceedings within said Criminal Case/Cause, the nature of such, and the Undersigned's present State of imprisonment.

1.3 Please know, and understand, that it is NOT the Undersigned's intent, desire, NOR design to hinder the operation/function of your office, court, NOR the United States of America, NOR to cause embarrassment, disgrace, NOR to detract from the Honor and Dignity of same, NOR same invested within the Respondents. Be it known by Respondents, that the Undersigned herein; and hereby, agrees, consents, and covenants with the Respondents to perform the balance of the obligation on the term of imprisonment as imposed by the court within the above referenced Criminal Case/Cause, and to pay/perform ALL other; and additional, obligations; of whatever nature, pertaining thereto, therein, and arising therefrom, as well as to cease and desist in pursuing the matters contained herein, in this manner, conditioned upon Respondents tendering the requested Proofs of Claim.

1.4 The Undersigned seeks Proofs of Claim in the nature of discovery and validation of debt in exhausting the Undersigned's Private Administrative Process for remedy (in the nature of an article in amendment I Petition for Redress of Grievance, and article in amendment IX reservation for resolution and equitable settlement under necessity) from Respondents, within their respective offices, and requests the tender of these Proofs of Claim with respect to; inter alia, the warrant of arrest, charging document/instrument (Information), and the affidavits in support thereof which the United Attorney's Office for the North Carolina, by and through United States Attorney, within the court denoted within the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** relied upon in its prosecution of the Undersigned, and thereby; and therein, established that the arrest and ALL proceedings and processes ensuing therefrom ARE lawful, proper, valid, constitutional, and thereby; and therein, procedurally legal so that the Undersigned may determine that the court, and ALL parties participating/involved within the above referenced Criminal Case/Cause, did/not commit constitutional impermissible acts and misapplication of statutes/laws in this matter, and did establish upon the face of the court's record its jurisdiction in said

CIVIL/COMMERCIAL/Criminal Case/Cause in accordance with and pursuant to due process of law or the law of the land; and the Undersigned was accorded proper and valid process and service therein, and the court's jurisdiction therein as to both in personam jurisdiction and subject-matter jurisdiction; wherein the court acquires/obtains its authority to act and thereby enter/render valid and enforceable judgments, orders, and the like in any matter before it, claimed therein by the court within the above referenced Quasi-CIVIL/Quasi-COMMERCIAL/*CIVIL/COMMERCIAL/Criminal Case/Cause* was complete and not fatally flawed.

1.5 Further, in-as-much, as the Undersigned is confused by the copyright symbol contained within what appears to be ALL books, codes, references, reporters, and the like dealing with "**law**", and such a symbol's use and employment in giving notice that the contents therein are the private property of the copyright owner, and the Undersigned freely admitting that the Undersigned has neither grant, franchise, license, NOR letters-patent to use said contents, NOR practice same; please be advised that ALL cites thereto, and excerpts therefrom, are used and employed herein merely for educational purposes; to show from where the Undersigned's present understanding and confusion inheres from; and, due to the depth of the matters with which this document attempts to cover, the Undersigned has provided the excerpts there from to facilitate and ease the time burdens of the Respondents which the Undersigned understands is precious and limited.

1.6 As the Undersigned wants, wishes and desires to resolve this matter as soon as possible, it is of "necessity" that the Undersigned can only to do so conditioned upon Respondents providing the requested; and required, Proofs of Claim which are set-forth herein below, to wit:

II. PROOFS OF CLAIM

1. PROOFS OF CLAIM, whereas the concept behind a law implies a command; in order for, ***a Private Citizen,*** to be bound to obey and follow some law/command, there must not of necessity be an authority created and established within a specific source for said law/command to exist; and, must come not only from the source which has the authority to issue and enact said law/command. [See: Black & White Taxi Transfer Co. v. Brown & Yellow Taxi Transfer Co., 276 U.S. 518, 533; 72 L.Ed. 681, 38 S Ct 404 (1928), which States: **"Law in the sense in which the courts speak of it today, does not exist without some definite authority behind it."**]

2. PROOF OF CLAIM, in order for the law of a specific source to have any binding force or effect over and upon, ***a Private Citizen,*** a Private Citizen, a relationship; which acts to subject, in some manner or degree, said, ***a Private Citizen,*** to said source, is not necessary and does not need to exist between said parties in order to create and establish the authority within said source to issue and enact law.

3. PROOF OF CLAIM, it is not relationship; between a source of law and, ***a Private Citizen,*** bound thereby, which creates and establishes the authority of a source to issue and enact law of a binding force or effect over and upon said man, and this authority to so act is not solely dependent upon relationship for its existence and binding force or effect over and upon said man.

4. PROOF OF CLAIM, in the absence/want of relationship between, ***a Private Citizen,*** and a specific source of authority for law, there does exist the authority within said source to issue and enact law of binding force or effect over and upon said man.

5. PROOF OF CLAIM, a child being a product of a parent and entirely dependent thereon, which creates and establishes a relationship between same, and in turn generates and establishes the authority within said parent to act over and upon said child as a source of authority, this same authority does and would extend over and upon a child which is not said parent's own due to lack/want of authority created and established by relationship existing between the parties.

6. PROOF OF CLAIM, the law of Jehovah the Living God (YHWH/JHVH) does not stand; and has not always stood, in pre-eminence in relation to ***human, a Private Citizen,*** law. [See: Borden v. State, 11 Ark. 519, 526 (1851), which States: "Man's laws are strength-less before Jehovah the Living God's Law; consequently a ***human, a Private Citizen,*** law, directly contrary to the law of Jehovah the Living God, would be an absolute nullity."]

7. PROOF OF CLAIM, the Law making authority of Jehovah the Living God (YHWH/JHVH), does not rest solidly and soundly upon the foundation of the relationship existing between Him ***and, a Private Citizen,*** as man's Creator and Provider. [See: 1 Blackstone Commentaries, § 38, p. 39, wherein Sir William Blackstone States; "Man, considered as a creature, must necessarily be subject to the laws of his Creator, for he is entirely a dependent being… Consequently, as***, a Private Citizen,*** depends absolutely upon his Maker for everything, it is necessary that he should conform in all points to his Maker's will."]

8. PROOF OF CLAIM, there is not a higher loyalty man; and specifically the Undersigned owes in this world than loyalty to his country; which is to say, loyalty to Jehovah the Living God (YHWH/JHVH). [See: United States v. Seeger, 380 U.S. 163, 172, 13 L. Ed. 2d 733, 85 S Ct 850 (1965), which States: "There is a higher loyalty than loyalty to this country, loyalty to Jehovah the Living God."]

9. PROOF OF CLAIM, in accordance with the principle of "authority and law"; set-forth herein above, the fact does not emerge that true Lawful authority is derived from a relationship existent and established between the parties and not power, force, or wealth.

10. PROOF OF CLAIM, a State of despotisn and/or tyranny does not exist in which authoritative law is sacrificed and abolished when law exists because; and through, force and power.

11. PROOF OF CLAIM, the fundamental concept of American Government; i.e., a Government, which is both de jure (Lawful), and de facto (Present/Established), is not that ALL political power which exist, resides in The People. [See: Constitution of/for the United States of America (1789, as amended 1791); Preamble; Art. I, § 2, cl. 1; Art. I, § 3, cl. 1.][…in pari materia to all other State constitutions.]

12. PROOF OF CLAIM, The sovereign political power of The People (The People- Common Community not individual) did not create a "Constitutional Entity" within their written (expressed) Constitution (contract); i.e., originally, in which they created, established, and ordained the general assembly; to which they delegated a "specific" portion of their political power thereto, and thereby; and therein, constituting the general assembly as the sole legislative power (authority) for the Government. [See: Constitution of/for the United States of America (1789 as amended 1791) Preamble; Art. I, § 1] […in pari materia to all other State constitutions.]

13. PROOF OF CLAIM, the Declarations of the sovereign will of The People, as expressed within their written Constitution originally creating a Government for the several united States of America in the exercise of their political power does not reveal the relationship between The People and those in Government service to be that the latter are the substitutes, agents, or servants of the former ensuing from a contractual relationship created, ordained, and instituted through; and by, the instrument (Constitution) for the Government's creation and existence.

l4. PROOF OF CLAIM, a codification - i.e., the process of collecting and arranging the laws of a country or State into a Code (a compilation of existing laws, systematic arrangement into chapters, subheads, table of contents, and index, and a revision to harmonize conflicts, supply omissions, and generally clarify and make complete a body of laws to regulate completely subjects to which they relate. [See: Gibson v. State, 214 Ala. 38, 106 So. 231, 235]); i.e., into a complete system of positive law, scientifically ordered, and promulgated (i.e., to publish; to announce officially; to make public as important or obligatory [See: Price v. Supreme Home of the Ancient Order of Pilgrims, 285 S.W. 310, 312 (Tex.Com.App.)]) by legislative authority of the statutes/laws of a State and/or the United States of America; and specifically the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof as employed and used within the above referenced alleged Criminal Case/Cause, is not a redrafting and simplification of the entire body of a statute which effects a revision, and a complete reStatement of the law which is then substituted - i.e. put in place of the former; exchanged, serving in lieu of and displaces and repeals the former law as it stood relating to the subjects within its purview. [See: MacLean v. Brodigan, 41 Nev. 468, 172 P. 375; Elite Laundry Co. v. Dunn, 126 W.Va. 858, 30 S.E.2d 454, 458]; and, is not drastically different in nature and scope that a mere compilation. [Fidelity & Columbia Trust Co. v. Meek, 171 S.W.2d 41, 43-44 (Ky. 1943), which States: "A compilation is merely an arrangement and classification of the legislation of a State in the exact form in which it was enacted, with no change in language. It does not require a legislative action in order to

have the effect it is intended to have. A revision, on the other hand, contemplates a redrafting and simplification of the entire body of a statute. A revision is a complete reStatement of the law. It requires enactment by the legislature in order to be effective..."]

15. PROOF OF CLAIM, a "bill" passed by the general assembly/General Assembly of the United States of America; hereinafter "General Assembly"; in order to be in accord with and pursuant to constitutional provisions, must not be presented to the President for signature; or if returned by him with objections, must not be passed by a two-thirds vote of both Houses, in order for the "bill" to become law; or, if the President fails to return said "bill" within ten (10) days it thereby becomes law. [See: Constitution of/for the United States of America, Art. 1, § 7, cl. 1, 2, 3] [...in paia materia to all other State constitutions.]

16. PROOF OF CLAIM, these codifications/codes; and specifically The United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof employed and used upon the warrant of arrest and charging document/instrument (Indictment) and affidavits in support thereof in the above referenced alleged Criminal Case/Cause, are not the products of some department, bureau, commission, committee, council, or some sub-whatever thereof, which represents in nature an entity created and established by the General Assembly; and, therefore is not a "un/non-constitutional legislative entity" created by statute and therefore is bound by constitutional provisions and prohibitions; and is not operating, functioning, and laboring outside, and foreign to, the Constitution; and, any semblance/appearance of constitutional restraint is not by virtue of statutory constraint; and, is not legislating and promulgating foreign law which is then passed off as that of the sole provided legislative power created, established, and ordained by express constitutional provisions provided by the sovereign political will of The People.

17. PROOF OF CLAIM, whereas the General Assembly's approval of a corporation's by-laws does not make nor constitute said by-laws those of the General Assembly, its approval of the laws of a "un/non-constitutional legislative entity" (corporation/quasi corporation) is different from approving a corporation's by-laws and therefore does make and constitute these laws as those of the General Assembly.

18. PROOF OF CLAIM, the enactment, by the General Assembly, of these "complete re-Statements of the law;" and specifically the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof employed, used, and cited within the above referenced alleged Criminal Case/Cause, written, drafted, redrafted, revised, promulgated, and the like by a "un/non-constitutional legislative entity" is not an act of adoption - i.e. to accept, appropriate; to make that ones own (property or act) which was not so originally - of said law; and, is in accordance with - i.e., complete accord with the spirit; substance; essence; object and law - and pursuant to - i.e., in compliance with the "forms" of law (legal) - the expressed sovereign political will of The People whom in the exercise thereof, created, established, and ordained the Government for the United States of America by their act evidenced by the Constitution.

19. PROOF OF CLAIM, these codifications/codes; and specifically The United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof*** as employed/used and cited within the above referenced alleged Criminal Case/Cause, are not enacted (approved) into law by the General Assembly by a "single statute bill"; and, whereas the 1789, as amended 1791 Constitution expressly provides for every "bill" to be read at length on three (3) different days in each House before a final vote is taken on the 'bill," and the Constitution of the Government of The United States of America, where or was revised to strike the reading at length requirement to read that every "bill" is to be considered - i.e., to fix the mind on, with a view to careful examination [See: East, ***a Private Citizen,*** Kodak Co. v. Richards, 204 N.Y.S. 246, 248, 123 Miscel. 83]; to deliberate about and ponder over [See: People v. Tru-Sport Pub. Co., 291 N.Y.S. 449, 457, 160 Miscel. 628] - on three different days in each House, a reading of the "single statute bill" employed/used to enact these codifications/codes into law; and specifically the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, would not be a mandatory requirement; not just a mere option, in order to actually, and substantially accomplish the inherent meaning of the term word "considered," and thereby meet and comply with this official duty and obligation

imposed upon the members of the General Assembly as expressly provided for within this revised provision of their employment contract. [See: Constitution of/for the United States of America (1789, as amended 1791) Art. I, § 7, cl. 1, 2, 3; Harvey Walker, Law Making in the United States, N.Y., 1934, p. 272, which States: "The usual practice is to introduce the revision [of statutes] as a single bill. Obviously, however, the members of the legislature cannot give such a comprehensive measure adequate consideration. It is almost as difficult for a committee to do so."] [...in pari materia to all other State comstitutions.]

20. PROOF OF CLAIM, the Constitution of the UNITED STATES OF AMERICA was not revised at Article I, § 7, cl. 1, Form of bills - revised to allow the use of a "bill" embracing more than one subject and title to be enrolled as a single statute "bill," and at Article I, § 7, cl. 2, Consideration of bills - revised to remove the requirement that "Every bill shall be read at length on three different days in each House;" in part because of the shear enormity, difficulty, and impossibility of complying with such prior provisions in enacting (approving/adopting) these codifications/ codes; and specifically the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, into law; and, this practice does not constitute and equate to mere "convenience"; and, these prior constitutional provisions do not tacitly; if not expressly, Declare and Affirm that neither this present day practice, mode, NOR basic concept employed/used by the General Assembly in enacting these codifications/codes into law; and specifically the United States Code and /or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, is in accordance with and pursuant to proven, acceptable, traditional, and customary usages, NOR constitutional methods of law making. [See: Harvey Walker, supra, ibid, at 19, which States: "Many revised statute bills are voted through only for the members to find later numerous 'jokers' and unwise provisions which must then be repealed or amended - and the process of change goes on."]

21. PROOF OF CLAIM, these "revision committees" or "code commissions" or by whatever name known, operating, and functioning as "un/non-constitutional legislative entities," which may be composed of some legislative members - as well as attorneys, judges, and non-Governmental types are not exercising legislative power in drafting, redrafting, revising, amending, promulgating, and the like the law they produced; and, where there is a lack/want of nexus creating/establishing a relationship therewith; and thereto, such laws do have a binding force or effect over and upon a private man; e.g., the Undersigned as such relates to and bears upon the above referenced alleged Criminal Case/Cause. [See: State v. Mauer, 164 S.W. 551, 552, 255 Mo. 152 (1914), which States: ". . . revisers have no legislative authority, and are therefore powerless to lessen or expand the letter or meaning of the law."]

22. PROOF OF CLAIM, a title, and enacting clause, and a body are not essentials to the form and style of all valid law, whether by express constitutional provisions; or, by fundamental concepts, requisites, solemnities, and proven usages from tradition and custom as practiced by Lawful societies in ALL centuries. [See: Harvey Walker, supra, ibid. at 19, p. 316, which States: "The three essential parts of every bill or law is: (1) the title, (2) the enacting clause, and (3) the body."]

23. PROOF OF CLAIM, the enacting clause: and necessity for it, is not to give it jurisdictional identity and constitutional authenticity - ensuing from the sole legislative power as constitutionally created and provided for through express constitutional provisions reflecting the sovereign political will of The People - whether prescribed therein or not; and, is not to establish the act; and, is not to give it permanence, uniformity and certainty; and, is not to provide evidence of its legislative nature; and, is not to prevent in adventure, possible mistake, and fraud. [See: Joiner v. State, 155 S.E.2d 8, 10, 223 Ga. 367 (1967), NOTE: This case cause arose in Georgia, ***a*** State whose Constitution contains no express provisions for the use and employment of an enacting clause just as the United States Constitution does not contain such an express provision; Ferrill v. Keel, 151 S.W. 269, 272, 105 Ark. 380 (1912); State v. Reilly, 95 Atl. 1005, 1006, 88 N.J.Law 104 (1915); Harvey Walker, supra, ibid at 19, p. 346, which States: "The enacting clause is a short formal Statement, appearing after the title, indicating that all which follows is to become law, and giving the authority by which the law is made. There is no excuse for not using it."; Title 1 USC § 101] [...and pari materia to all other State constitutions.]

24. PROOF OF CLAIM, an enacting clause is not mandatory for a law to have authority behind it.

25. PROOF OF CLAIM, whereas the employment and usage of an enacting clause has an ancient and time honored history of usage in law making, its employment and use upon the face of each and every law validly enacted by the General Assembly of The United States of America and then made law in accordance with and pursuant to constitutional provisions, is not absolutely necessary and mandatory for a law to have any binding force or effect over and upon, ***a Private Citizen,*** subject to the source of authority for the laws existence. [See: 73 Am.Jur.2d, Statutes, § 93, which States: "The almost unbroken custom for centuries has been to preface laws with a Statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to identify it as an act of legislation by expressing on its face the authority behind the law."; Sjoberg v. Security Savings & Loan Ass'n, 73 Minn. 203, 212-213 (1898), which States: "Written laws, in all times and all centuries, whether the edicts of absolute monarchs, decrees of King and Council, or the enactments of representative bodies, have almost invariably, in some form, expressed upon their face the authority by which they were promulgated or enacted. The almost unbroken Custom for Centuries has been to preface laws with a Statement in some form declaring the enacting authority."; State v. Burrow, 104 S.W. 526, 529, 119 Tenn. 376 (1907), which States: "The propriety of an enacting clause in conformity to this ancient usage was recognized by several States of the Union after the American Revolution, when they came to adopt constitutions for their Governments, and without exception, so far as we can ascertain, express provision was made for the form to be used by the legislative department of the State in enacting laws."; cf. Title 1 USC § 101; Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 175, 160 Ky. 745 (1914); State v. Kozer, 239 P. 805, 807 (Oregon 1925); Joiner V. State, 155 S.E.2d 8, 9, 223 Ga. 367 (1967); City of Carlyle v. Nicolay 165 N.E. 211, 216-217 (Ill. 1929); Cane v. Robbins, 131 P.2d 516, 518, 61 Nev. 416 (1942), which States: "A declaration of the enacting authority in law is a usage and custom of great antiquity... and a compulsory observance of it is found in sound reason."; Ruling Case Law, vol. 25, Statutes, § 22, p. 776, which States: "In recognition of this custom [of using an enacting clause], it has sometimes been declared that an enacting clause is necessary to the validity of a statute, though there no provision in the fundamental law requiring such a clause."; Cushing's Law and Practice of Legislative Assemblies (1819), § 2102, which States: "(2) Where the enacting words are not prescribed by a constitutional provision, the enacting authority must notwithstanding be Stated, and any words which do this to a common understanding are doubtless sufficient, or the words may be prescribed by rule. In this respect much must depend on usage." 82 C.J.S., Statutes, § 65, p. 104, which States: "Although there is no constitutional provision requiring an enacting clause, such a clause has been held to be requisite to the validity of a legislative enactment."; Harry Bettenson, Documents of the Christian Church, 2nd ed., Oxford Univ. Press, 1963, p. 65; Select Documents of the English Constitutional History, edited by G. Adams and H. Stephens, MacMillian Co., London, 1926, p. 68, 124; Thorpe, Federal and State Constitutions, Washington, 1909, vol. I, p. 46; (George III, 1792) 32 George III.c.60; Documents of American History, edited by Henry S. Cummager, Appleton, N.Y., 1949, p.13, op. cit., p. 40]

26. PROOF OF CLAIM, a motion by a member of either House of the General Assembly to strike out the enacting clause of a "bill" is not the most common method adopted to kill a "bill" and prevent its becoming law; and as such, does not reveal the necessity, importance, and value of an enacting clause in relation to what is able to become law, is considered law, and is law. [See: Nevada v. Rogers, 10 Nev. 250, 255, 256 (1875); approved: Caine v. Robbins, 131 P.2d 516, 518, 61 Nev. 416 (1942)]

27. PROOF OF CLAIM, the enacting clause does not go to the substance – i.e., essence; the material or essential part of a thing, as distinguished from mere "form"; its spirit, worth, and value of a law; and therefore, does not have substantial - i.e., importance; considerable value; real as opposed to imaginary; solid; true; not merely nominal validity creating, enacting, and promulgating law. [See: Morgan v. Murray, 328 P.2d 644, 654 (Mont. 1958), which States: "The enacting clause of a bill goes to the substance of that bill, it is not merely procedural."]

28. PROOF OF CLAIM resolutions; and specifically as this matter may pertain to the actual method employed used in "enacting" the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof into law, do have any force or effect as law; and, are not merely expressions of opinion; and alteration of the rules; or a vote of thanks or of censure as to a given matter, the subject-matter of which would not properly constitute a statute, and which has only a temporary effect on such matters, whereas a law, is intended to permanently direct and control matters. [See: Scudder v. Smith 331 Pa. 165, 200 A. 601, 604; McDowell v. People, 68 N.E. 379, 204 Ill. 499; Conley v. Texas Division of United Daughters of the Confederacy, Tex.Civ.App. 164 S.W. 24, 26; Ex parte Hague, 104 N.J.Eq. 31, 144 A. 546, 559; Chicago & N.P.R. Co. v. City Of Chicago, 51 N.E. 596, 598 (Ill. 1898; Village of Altamont v. Baltimore & O.S.W. Ry. Co., 56 N.E. 340, 341, 184 Ill. 47; Van Hovenberg v. Holeman, 144 S.W.2d 718, 721, 261 Ark. 370 (1940); 73 Am.Jur.2d, Statutes, § 3, p.270, cases cited.]

29. PROOF OF CLAIM, the Judicial Branch of the national Governments, working from the Constitution for the United States of America; which contains no express provision for the use and employment of an enacting clause in the form of its "bills/laws"; nevertheless, did not determine, hold, and forever establish the necessity for; and mandatory employment and use of an enacting clause upon the face of each and every law in the matter of "In re Seat of Government," wherein the Supreme Court for Washington Territory in considering an Act to move the seat of Government; which contained no enacting clause, and said territory having no Constitution of its own; and therefore, generally governed by that for the United States of America held said Act invalid for want of an enacting clause. [See: In re Seat of Government, 1 Wash. Ter. 115, 123 (1861), which States: "Strip this act of its outside appendages, leave it 'solitary and alone,' is it possible for any ***human, a Private Citizen,*** being to tell by what authority the seat of Government of Washington Territory was to be removed from Olympia to Vancouver? The [...] fact that the constitutions of so many States, made and perfected by the wisdom their greatest legal lights, contain a Statement of an enacting clause, in which the power of the enacting authority is incorporated, is to our minds a strong, and powerful argument of its necessity. It is fortified and strengthened by the further fact that Congress, and other States, to say nothing of the English Parliament, have, by almost unbroken custom and usage, prefaced all their laws with some set form of words, in which is contained the enacting authority. Guided by the authority of such eminent jurists as Blackstone, Kent, and Cushing, and the precedents of national and State legislation, the Court arrives with satisfaction and consciousnesses of right in declaring, that where an act like the one now under consideration, is wanting in the essential formalities and solemnities which have been mentioned, it is inoperative and void, and of no binding force or effect."]

30. PROOF OF CLAIM, whereas; and specifically as this relates to and bear upon the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, only "bills" exist within the General Assembly; and, no "bill" shall become "law" except by a vote of a majority; and, every "bill" which passes both Houses of the General Assembly shall be presented to the President for signature (authentication); and, every "bill" he approves shall become "law" and, whereas the Maxim of Law States: "A law is not obligatory unless it be promulgated," the usage and employment of an enacting "upon the face" of every law is not mandatory, and does not apply to "bills" as they make their way through the General Assembly; and, are not required "upon the face" of every law when and as published; and, can be removed from laws in their published/promulgated form as is the case with laws appearing within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof; and, 'on its face' does not mean to be in the same plain of view; and, this requirement of an enacting clause to be on the face of all laws; from conception and gestation as "bills," to birth in published/promulgated form as laws, is not made clear by authorities of law. [See: State v. Naftalin, 74 N.W.2d 249, 261, 246 Minn. 181 (1956); Cunningham v. Great Southern Life Ins. Co., 66 S.W.2d 765, 773 (Tex.Civ.App.), which States: "Face has been defined as the surface of anything; especially the front, upper, or outer part of surface; that which particularly offers itself to the view of a spectator." cf. In re Stoneman, 146 N.Y.S. 172, 174, which States: 'The face of an instrument is shown by the language employed without any modification or addition from extrinsic facts of evidence.']

31. PROOF OF CLAIM, whereas a law if 'promulgated' by its being printed, published and made available or accessible by a public document such as an official Statute and/or Code Book as; e.g., the United States Statutes at Large and/or the United States Code, the removal and absence of this essential, necessary, and, mandatory requisite for the enacting clause to be "on its face" of the law in its promulgated/published form does not apply to its appearance within said "official books"; and, can be in some other record book; and, its removal or otherwise mysterious absence from said book as in the United States Code is therefore a valid and lawful publication/promulgation of the law of the United States of America. [See: Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932), which States: "The purpose of an enacting in legislation is to express in the face of the legislation itself the authority behind the act and identify it as an act of legislation." State v. Burrow, 104 S.W. 526, 529, 119 Tenn. 376 (1907), which States: "The purpose of provisions of this character [enacting clauses] is that all statutes may bear upon their faces a declaration of the sovereign authority by which they are enacted and declared to be the law, and to promote and preserve uniformity in legislation. Such clauses also import a command of obedience and clothe the statute with a certain dignity, believed in all times to command respect and aid in the enforcement of law."; People v. Dettenhalwer, 77 N.W. 450, 451, 118 Mich. 595 (1898), citing: Swan v. Bank 40 Miss. 268 (1866), which States: "It is necessary that every law should show on its face the authority by which it is adopted and

promulgated, and that it should clearly appear that is intended by the legislative power that enacts it that it should take effect as law."; Sjoberg v. Security Saving & Loan Ass'n, 73 Minn. 203, 213, 75 N.W. 1116 (1898), which States: "If an enacting clause is useful and important, if it is desirable that laws shall bear upon their face the authority by which they are enacted, so that people who are to obey them need not search legislative and other records to ascertain the authority..."; Vinsant, Adm'x v. Knox 27 Ark. 266, 284, 285 (1871), which States: "[A] legislative act, when made, should be a written expression of the legislative will, in evidence, not only of the passage, but of the authority of the law-making power, is nearly or quite a self-evident proposition. Likewise, we regard it as necessary that every act, thus expressed, should show on its face the authority by which it was enacted and promulgated, in order that it should clearly appear, upon simple inspection of the written law, that it was intended by the legislative power, which enacted it, that it should take effect as law. These relate to the legislative authenticity of the legislative will. These are features by which courts of justice and the public are to judge of its authenticity and validity. These then, are essentials of the weightless importance, and the requirements of their observance, in the enacting and promulgation of laws, are imperative. Not the least important of these essentials is the style or enacting clause."]

32. PROOF OF CLAIM, whereas enacting clauses are required in the promulgation of law; and, to be on the face of each and every law; and, a law is not obligatory until promulgated; and, the legislative will cannot be ascertained in the absence of an enacting clause, nor the authority, nor the nature of the law by those to be bound thereby; such goals, aims, and purposes of an enacting clause in its removal or otherwise apparent absence; as well as all titles, on the face of the laws/statutes contained within the published form known as the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, are met, achieved, and accomplished; and, are in full accordance with and pursuant to the fundamental requirements, requisites, solemnities, concepts, and proven usages of tradition and custom, and fundamental constitutional law-making; and, are the valid and lawful laws/statutes of the United States of America.

33. PROOF OF CLAIM, the publication/promulgation of a statute/law within the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, which remove and or otherwise omit the enacting clause(s); as well as all titles, and are then cited within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and the affidavits in support thereof, for a criminal/public offense, that said statute/law is not void for lack/want of said clause; and title, and thereby; are therein, representing an invalid and unlawful publication/promulgation of said statute/law; and, said documents therefore, do charge a valid and lawful offense. [See: Joiner v. State, 155, S.E.2d 8, 10, 223 Ga. 367 (1967), in which the Supreme Court of Georgia; a State whose Constitution contains no express provision for using and employing enacting clauses upon the face of "bills/laws"; nevertheless, in considering an act containing no enacting clause, held the act to be: "...a nullity and of no force and effect as law.", for its lack/want of an enacting clause.; cf. Walden v. Town of Whigham, 48 S.E. 159, 120 Ga. 646 (1904); In re Swartz, 27 P. 839, 840, 47 Man. 157 (1891), which States: "The publication of an act of the legislature, omitting the enacting clause or any other essential part thereof, is no publication in law. The law not being in force when the indictment was found against the petitioner, nor when the acts complained of therein were done, the petitioner could not have been guilty of any crime under its provisions, and is therefore, so far as this indictment is concerned, entitled to his discharge."; State v. Kearns, 623 P.2d 507, 509, 229 Kan. 207 (1981), which States: "In [the case of] In re Swartz, Petitioner, 47 Kan. 157, 27 P. 839 (1891), this court found the act in question was invalid because it had been mistakenly published without an enacting clause. We again adhere to the dictates of the opinion."; Ruling Case Law, vol. 25, Statutes, § 133, p. 884, citing: L.R.A. 1915B, p. 1065, which States: "The publication of a statute without the enacting clause is no publication."; Commonwealth v. Illinois R. Co., 170 S.W. 171, 175, 160 Ky. 745 (1914), which States: "It will be noticed that the act does not contain an enacting clause.... The alleged act or law in question is unnamed; it shows no sign of authority; it carries with it no evidence that the General Assembly or any other lawmaking power is responsible or answerable for it."]

34. PROOF OF CLAIM, the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, is not only "prima facie evidence" of the law of The United States of America.

35. PROOF OF CLAIM, an act of the General Assembly to enact the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, into "positive law," i.e., a general designation for a law that is actually ordained or established, under ***human, a Private Citizen,*** sanctions, as distinguished from the law of nature or natural law [See: Bouvier's Law Dictionary, Banks-Baldwin Law Pub., Cleveland 1948, p. 955] does change or effect anything regarding the nature of the statute/law contained therein aside from its weight of evidence; i.e., as "legal evidence," of the law therein. [See: United States v. Zuger, 602 F.Supp. 889, 891 (1984); Ryan v. Bilby, 764 F.2d 1325, 1328 (C.A. 9 (Ariz.) 1985)]

36. PROOF OF CLAIM, the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, were not already "positive law" in accordance with and pursuant to the definition from Bouvier's Law Dictionary cited supra; and, any such enactment of such on the part of the General Assembly does raise said statutes contained therein to the level of acts of the General Assembly as would occur with a validly enacted "bill" as "law."

37. PROOF OF CLAIM, any enactment of the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, into "positive law" is not solely a designation which declares and translates to the contents therein having undergone extra proofreading and checking to remove the errors, inconsistencies ("jokers"), and unwise provisions.

38. PROOF OF CLAIM, "legal evidence" is not a general term for most types of evidence which includes "prima facie evidence," "circumstantial evidence," and even "hearsay evidence" when relevant to an issue. [See: Hornick v. Bethlehem Mines Corp., 161 A. 75, 77, 307 Pa. 264; Oko v. Krzyzanowski, 27 A.2d 414, 419, 150 Pa. Super. 205]

39. PROOF OF CLAIM, the "greatest evidence" of a true law is not one, which contains and carries upon its face a valid enacting clause.

40. PROOF OF CLAIM, the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, was in fact validly enacted as a statue(s)/law(s) and can be construed as such.

41. PROOF OF CLAIM, the drafting of a "bill"; or a "resolution" by the General Assembly to enact the United States Code; and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, into law; or 'positive law,' does factually and substantially render same law simply because the General Assembly says it is; and, that the General Assembly did in fact draft a "bill" for such purpose, and did not rather draft and employ/use resolution for such a purpose. [See: Cane v. Robbins, 131 P.2d 516 518 (Nev. 1942), which States: "[N]othing becomes a law simply and solely because men who possess the legislative power will that it shall be, unless they express their determination to that effect, in the mode pointed out by the instrument which invests them with power, and under all the forms which that instrument has rendered essential."; Vinsant Adm'x v. Knox, 27 Ark. 266, 277 (1871), which States: "These rules and solemnities, whether derived from the common law or prescribed by the Constitution, which are of the essentials of lawmaking, must be observed and complied with, and, without such observance and compliance, the will of the legislature can have no validity as law."]

42. PROOF OF CLAIM, a single enacting clause employed in the publication/promulgation of the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, is sufficient for the entire text of this multi-volume, multi-subject, and diverse Code; and, such; if not cited from the "Session Pamphlet Laws", can be called and considered valid law

43. PROOF OF CLAIM, whereas all "bills" of the General Assembly must be presented to the President for signature for them to become laws, ALL of the single statute "bills" employed/used for the enactment into law; or 'positive law;" of the "Codification Code" published/promulgated as the United States Code; and/or specifically

THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, were in fact so presented to any President; and, were signed (authenticated) by any President, and therefore, were validly; and lawfully ordained and established as law(s).

44. PROOF OF CLAIM, there is not a "Code" requirement for the employment and use of an enacting clause to be in evidence upon the face of every law of the United States of America as allegedly published/promulgated as the United States Statutes. [See: Title 1 USC § 101].

45. PROOF OF CLAIM, in order for a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, to have the jurisdictional right/authority to decide/act in a matter brought before it, and therein proceed to issue/enter order(s), decision(s) judgment(s), and the like, said court does not have to acquire both in; personam jurisdiction and subject-matter jurisdiction over and in the parties and "thing" (res) involved in the matter/controversy. [See: Thomas M. Cooley, A Treatise on the Constitutional Limitations, Little, Brown & Co., Boston, 1883, p. 493, which States: "The proceedings in any court are void if it wants jurisdiction of the case in which it has assumed to act. Jurisdiction is, first, of the subject-matter; and, second, of the persons whose rights are to be passed upon."; 21 Am.Jur., Criminal Law, § 338, p. 558, which States: "To try a person for the commission of a crime, the trial court must have jurisdiction of both the subject-matter and the person of the defendant."]

46. PROOF OF CLAIM, if a "named" party in a suit, action, proceeding, indictment, complaint, information, and the like; and specifically the "named" party/defendant within the above referenced alleged Criminal Case/Cause, is absent from court, there does not exist a want of jurisdiction over said "named" party, and the court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can proceed with the trial and all related proceedings. [See: State v. Brown, 64 S.W.2d 841, 849 (Tenn. 1933), which States: "Personal jurisdiction, or the authority to judge a person, is primarily one of venue or procedure. Generally, if one is standing in a court, it has some degree of jurisdiction over the person. Thus, if one is named in suit, but is 'absent' from court by being either in prison or by escape, there is a want of jurisdiction over the person, and the Court cannot proceed with the trial."]

47. PROOF OF CLAIM, a courts' jurisdiction over the person "named' in a matter brought before it; and specifically as this relates to and bears upon the "named" alleged defendant within the above referenced alleged Criminal Case/Cause, is not conferred upon the court by/through consent, waiver, pleading to the merits, and by the "named' party/defendant/person appearing through counsel. [See: Smith v. State, 148 S. 858, 860 (Ala. App. 1933); State v. Smith, 70 A.2d 175, 177, 7 N.J.Super. 85 (1949)]

48. PROOF OF CLAIM, whereas the subject-matter jurisdiction of the court; and specifically that of the alleged court of record within the above referenced Criminal Case/Cause, involves the actual thing involved in the controversy; e.g., property, money, tort or wrong one committed against another, a contract, marriage, bankruptcy, lien; or, the crime or public offense that is allegedly committed, subject-matter jurisdiction would exist if the "thing" involved in the controversy does not, and never did exist. [See: Stilwell v. Markman, 10 P.2d 15, 16 (Kan. 1932), which States: "The subject-matter of a criminal offense is the crime itself. Subject-matter in its broadest sense means the cause; the object, the thing in dispute."; Black's Law Dictionary, Rev. 4th Ed., 1968, p. 53 at ACTUAL, which States: "Real; substantial; existing presently in act, having a valid objective [of/or having to do with a material object as distinguished from a mental concept; having actual existence of reality] existence [as opposed to artificial; e.g. corporations, L.L.C.s, franchises, ens legis entities existing only in contemplation of/or by force of law; i.e., in the mind only, a mental concept, and its "by-laws' which are; ipso facto, artificial laws of the artificial entity existing only in contemplation of/or by force of law, a mental concept] as opposed to that which is merely theoretical or possible... Something real, in opposition to constructive or speculative." NOTE: bracketed material added by the Undersigned.]

49. PROOF OF CLAIM, whereas the courts subject-matter jurisdiction; and specifically that of the alleged court of record within the above referenced alleged Criminal Case/Cause, is dependent upon and acquired by the subject-matter; whether by constitutional grant or valid statute, and the subject-matter of a criminal case/cause being the actual crime or offense alleged/charged against the "named" defendant itself, a court does not still lack subject-matter jurisdiction if the crime/offense alleged/charged as a violation(s) of law(s) within and upon the face of the warrant of arrest, charging document/instrument (Indictment) and affidavits in support thereof is/are invalid, void, and a nullity by reason the violations of law complained of are unconstitutional; or un-un non-constitutional for

lack/want of nexus (contract), and therefore non-existent and alleging/charging no crime/offense. [See: Brown v. State, 37 N.E.2d 73, 77 (Ind. 1941), which States: "Jurisdiction over the subject matter of action is essential to power of court to act, and is conferred only by constitution or by valid statute."]

50. PROOF OF CLAIM, a law which is invalid and void for being unconstitutional; or un-un-non-constitutional for lack/want of nexus (contract), does not fail in creating and establishing a subject-matter within which a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can exercise jurisdiction due to said alleged statute/law failing to create and establish an actual crime; or thing (res), which is itself the subject-matter of a criminal proceeding. [See: 22 C.J.S., Criminal Law, § 157, p. 189, citing: People v. Katrinak, 185 Cal.Rptr. 869, 136 Cal.App.2d 145 (1982), which States: "If a criminal statute is unconstitutional, the court lacks subject-matter jurisdiction and cannot proceed to try the case."]

51. PROOF OF CLAIM, a law that is unconstitutional; or a un/non-constitutional law employed/used without nexus (contract) between the authority and the, ***a Private Citizen,*** alleged to be bound thereby, is not void and, a conviction under such can be a lawful/legal cause of imprisonment and or even sanction; and, a conviction and imprisonment imposed/ordered therein under such law is not void [See: Kelley v. Meyers, 263 P. 903, 905 (Ore. 1928), which States: "If these sections are unconstitutional, the law is void and an offense created by them is not a crime and a conviction under them cannot be a legal cause of imprisonment, for no court can acquire jurisdiction to try a person for acts which are made criminal only by an unconstitutional law."; State v. Christensen, 329 N.W.2d 382, 383, 110 Wis.2d 538 (1983), which States: "Where the offense charged does not exist, the trial court lacks jurisdiction."; cf. State ex rel. Hansen v. Rigg, 104 N.W.2d 553, 258 Minn. 388 (1960)]

52. PROOF OF CLAIM, subject-matter jurisdiction; and specifically within the above referenced alleged Criminal Case/Cause, which is the most critical aspect of the courts authority to act; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can be waived, or can be conferred by consent, or cannot be objected to at any time, even after judgment for the first time; and, there is anything that Undersigned can do, or fail to do, which would cause the issue of subject-matter jurisdiction to be lost, not even a guilty ***plea or verdict*** in the criminal proceeding (or alleged criminal proceeding); which, is only a record admission to whatever is well alleged in the indictment. [See: Singleton v. Commonwealth, 208 S.W.2d 325, 327, 306 Ky. 454 (1948), which States: "The law creates courts and defines their powers. Consent cannot authorize a judge to do what the law has not given him the power to do."; cf. Brown v. State, 37 N.E.2d 73, 77 (Ind. 1941); 21 Am.Jur.2d, Criminal Law, § 339, p. 589, which States: "Jurisdiction of the subject matter is derived from the law. It can neither be waived nor conferred by consent of the accused. Objection to the court over the subject matter may be argued at any stage of the proceedings, and the right to make such an objection is never waived."; cf. Harris v. State, 82 A.2d 387, 389, 46 Del. 111 (1950); Matter of Green, 313 S.E.2d 193, 195 (N.C.App. 1984), which States: "It is elementary that the jurisdiction of the court over the subject-matter of the action is the most critical aspect of the court's authority to act. Without it, the court lacks any power to proceed; therefore, a defense based upon this lack cannot be waived and may be asserted at any time. Accordingly, the appellant may raise the issue of jurisdiction over the matter for the first time on appeal although they initially failed to raise the issue before the trial court."; cf. Monaco v. Carey Canadian Mines, Ltd., 514 F.Supp. 357 (D.C. PA 1981); Babcock & Wilcox Co. v. Parsons Corp., 430 F.2d 531 (1970); Athens Community Hosp., Inc. v. Schweiker, 686 F.2d 989 (1982); Edwards on Behalf of Nagel v. Department of the Army, 545 F.Supp. 328 (1982); Zenith Radio Corp. v. Matsushita Elec. Indus. Co, Ltd., 494 F.Supp. 1161 (D.C.PA 1980); Basso v. Utah Power & Light Co., 494 F.2d 906, 910; Hill Top Developers v. Holiday Pines Service Corp., 478 So.2d 368 (Fla.2d DCA 1985); People v. McCarty, 445 N.E.2d 298, 304, 94 Ill.2d 28 (1983), (cases cited), which States: "Subject matter jurisdiction cannot be conferred by a guilty plea if it does not otherwise exist.... The guilty ***plea or verdict*** must confess some punishable offense to form the basis of a sentence. The effect of a ***plea or verdict*** of guilty is a record admission of whatever is well alleged in the indictment. If the latter is insufficient the ***plea or verdict*** confesses nothing."]

53. PROOF OF CLAIM, if a law is invalid and void for being unconstitutional; e.g., containing no enacting clause and or title, or un-un-non-constitutional when employed/used where there exists a lack/want of nexus; e.g. contract creating and establishing a relationship between the authority for the un/non-constitutional law ***and, a Private Citizen,*** bound thereby, and said law is employed/used in alleging/charging a criminal/public offense by citing such law/statute within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and

affidavits in support thereof; and specifically within the above referenced alleged *CIVIL/COMMERCIAL/Criminal Case/Cause* which alleges/charges criminal/public offences cited from the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, within and upon the face of the warrant, charging document/instrument (Indictment), and affidavits in support thereof therein, such employment/use, and citing of said laws(s)/statute(s) does not effect the validly, sufficiency, and lawfulness of said documents/instruments, and such do in fact charge an actual crime/offense; and, such law/statutes do not render all such warrants, charging documents/instruments, and affidavits in support thereof insufficient and "fatally defective," and therefore VOID; and, such law(s)/statute(s) cited within and upon the face of said warrants, charging documents, instruments, and affidavits in support thereof does create a legal, or lawful, cause of punishment for a conviction thereunder; and, such law(s)/statute(s) cited within and upon the face of said warrants, charging documents/instruments does not fail to establish/confer subject-matter jurisdiction upon the court; and, the employment/use and citing of such law(s)/statutes within and upon the face of such warrants, charging documents/instruments, and affidavits in support thereof does not therefore render ALL proceedings prior to filing of a proper instrument (if it's possible) void ab initio. [See: State v. Dungan, 718 P.2d 1010, 1014, 149 Ariz. 357 (1985), which States: "When a criminal defendant is indicted under a not-yet-effective statute, the charging document is void."; cf. 42 C.J.S., Indictments and Information, § 1, p. 833; 22 C.J.S., Criminal Law, § 324, p. 390, which States: "The want of a sufficient affidavit, complaint, or information goes to the jurisdiction of the court, ...and renders all proceedings prior to filing of a proper instrument void ab initio."; Ex parte Waldock, 286 P. 765, 766 (Okl. 1930), which States: "The allegations in the instrument or information determines the jurisdiction of the court."; People v. Hardiman, 347 N.W.2d 460, 462, 132 Mich. App. 382 (1984); 22 C.J.S., Criminal Law, § 157, p. 188, citing: People v. McCarty, 445 N.E.2d 298, 94 Ill.2d 28, which States: "Where an information charges no crime, the court lacks jurisdiction to try the accused, and a motion to quash the information or charge is always timely."; Honomichl V. State, 333 N.W.2d 797, 798 (S.D. 1983), which States: "Without a formal and sufficient indictment or information, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime."]

54. PROOF OF CLAIM, the term/word "may" as employed by the judge handing down the decision of the court in Honomichl v. State, supra, does not mean "SHALL" or "MUST" to the end that justice may not be the slave of grammar. [See: Black's Law Dictionary, Rev. 4th Ed. (1968), p. 1131 at "MAY," case cites given.]

55. PROOF OF CLAIM, a court, and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, which has proper jurisdiction within and over the subject-matter and the "person(s)" in a criminal proceeding; and, therefore, has the right to decide in the matter and decide wrongly in its judgment; which would only be found upon appeal as "error," a court lacking/wanting subject-matter jurisdiction for lack/want of a "sufficient" warrant of arrest, charging instrument/document; e.g., an Indictment, and affidavits in support thereof, which allege/charge a violation(s) of a non-existent criminal/public offense(s) for lack/want of a valid, lawful, constitutional, and existing law(s); or, which allege/charge a violation(s) of a un/non-constitutional criminal/public offense(s) lacking/wanting nexus; e.g., contract, between the parties, does not in such circumstances; therefore, render ANY AND ALL orders, decisions, and judgments of said court VOID, unenforceable, and without any force or effect whatsoever ab initio. [See: Hooker v. Boles, 345 F.2d 285, 286 (1965), which States: "[N]o authority needs to be cited for the proposition that, when a court lacks jurisdiction, any judgment rendered by it is void and unenforceable, ...and without any force and effect whatever."; cf. Honomichl v. State, 333 N.W.2d 797, 799 (S.D. 1983); 21 C.J.S., Courts, § 18, p. 25, which States: "Where judicial tribunals have no jurisdiction of subject matter, the proceedings are void."; cf. People v. McKinnon, 326 N.W.2d 809, 812 (Mich. App. 1985); Elna Pfeffer, et al v. Alvin Meissner, et al., 286 S.W.2d 241 (1955); State ex rel. Latty, 907 S.W.2d 486; United States v. Boch Oldsmobile, Inc. 909 F.2d 657, 661 (1st Cir. 1990); Puphal v. Puphal, 105 Ida. 647; Burnham v. Superior Court of California, County of Marin, 110 S.Ct. 2105, 109 L.Ed.2d 631 (1990); Wahl v. Round Valley Bank, 38 Ariz. 411, 300 P. 955 (1931); Tube City Mining & Milling Co. v. Otterson, 16 Ariz. 305, 146 P. 203 (1914); Milliken v. Mayer, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed.2d 278 (1940); Long v. Shorebank Development Corp., 182 F.3d 548 (C.A.7 Ill. 1999); Triad Energy Corp. v. McNell, 110 F.R.D. 382 (S.D.N.Y. 1986); F.R.Civ.P., Rule 60(b)(4), 28 U.S.C.A.; Klugh v. U.S., 620 F.Supp. 892 (D.S.C. 1985) City of Los Angeles v. Morgan, 234 P.2d 319 (Cal.App. 1951); Ward v. Terrier, 386 P.2d 350 (Colo. 1963); Davidson Chevrolet, Inc. v. City and County of Denver, 330 P.2d 116, cert. den. 79 S.Ct. 609, 359 U.S. 926, 3 L.Ed.2d 629 (Colo. 1958); People v. Wade, 506 N.W.2d 954 (Ill. 1987). Eckel v. MacNeal, 628 N.E.2d 741 (Ill.App. 1993); People v. Sales, 551 N.E.2d 1359 (Ill.App. 1990); Hays v. Louisiana Dock Co., 452 N.E.2d 1383; (Ill.App. 1983); Matter of Marriage of Welliver, 869 P.2d 653 (Kan 1994); In re EState

of Wells, 983 P.2d 279 (Kan 1999); Lange v. Johnson, 204 N.W.2d 205 (Minn. 1973); Mills v. Richardson, 81 S.E.2d (N.C. 1954); State v. Blankenship, 675 N.E.2d 1303 (Ohio App. 1996); State v. Richie, 20 S.W.2d 624 (Tenn. 2000); State ex rel. Dawson v. Bomar, 354 S.W.2d 763 (Tenn. 1962); Underwood v. Brown, 214 S.W.25 168 (Tenn. 1951); Richardson v. Mitchell, 237 S.W.2d 577 (Tenn. App. 1950); State ex rel. Turner v. Briggs, 971 P.2d 581 (Wash. 1999); In re Adoption of E.L., 733 N.E.2d 846 (ill. App. 2000); B & C Investments, Inc. v. F & M Nat. Bank & Trust, 903 P.2d 339 (Okl. 1995); People ex rel Brzica v. Village of Lake Barrington, 664 N.E.2d 66 (Ill. App. 1994)]

56. PROOF OF CLAIM, the court's "plenary power"- i.e. entire, complete, absolute, perfect, unqualified inherent authority to; inter alia, not only decide, but to make binding orders and judgments [See: Fewell v. Fewell, 23 Cal.2d 431, 144 P.2d 592, 594] and specifically the "plenary powers" of the alleged court of record within the above referenced alleged Criminal Case/Cause, are not resident in the "office of a/the judge," which upon "perfection of title" thereto by a judge taking and subscribing a valid and lawful "oath of office" secured by a "fidelity bond" (or however termed/styled) thereupon are then conferred upon the judge; and, in the absence of such acts to "perfect title" to said "office" by a judge, said powers are conferred; and, said office is not vacant and, all orders, decisions, and judgments rendered by the judge having so failed to "perfect title" to the office s/he holds are not Void ab initio, therefore, unenforceable, and without force or effect. [See: State ex rel. Latty v. Owens, 907 S.W.2d 484 486 (Tex 1995); Mapco, Inc. v. Forest, 795 S.W.2 700, 703 (Tex. 1990); Elna Pfeffer et al. v. Alvin Meissner, et al. 286 S.W.2d 241 (1955); Long v. Shorebank Development Corp., 182 F.3d 548 (C.A.7 (Ill) 1999); People v. Wade, 506 N.W.2d 954 (Ill. 1987); People v. Sales. 551 N.E.2d 1359 (Ill.App. 1959); People v. Rolland, 581 N.E.2d 907 (Ill. App. 1991); State v. Richie, 20 S.W.2d 624 (Tenn. 2000); Rook v. Rook, 353 S.E.2d 756 (Va. 1987); State ex rel. Turner v. Briggs, 971 P.2d 581 (Wash. 2000); In re Adoption of E.L., 733 N.E.2d 846 (Ill. 2000); Irving v. Rodriquez, 169 N.E.2d 145 (Ill. App 1960); B & C Investments, Inc. v. F & M Nat. Bank & Trust, 903 P.2d 339 (Okl. 1995); People ex rel. Brzica v. Village of Lake Barrington, 664 N.E.2d 66 (Ill.App. 1994); Williamson v. Berry, 8 How 945, 12 L.Ed. 1170, 1189 (1850)]

57. PROOF OF CLAIM, a judge, without having perfected title to his "office" and, therefore, without right to NOR right to exercise/use the "plenary powers" resident therein; and specifically the judge within the above referenced alleged Criminal Case/Cause, is not committing thereby; and therein, acts of "False Personation," "Usurpation," "Fraud," "False Pretenses," "Deceptive and Fraudulent Business Practices"; and, operating; alone or in concert, a "Confidence Game"; for which, any or all such acts would not operate to render void ab initio, unenforceable, and of no binding force or effect ALL decisions, orders, and judgments of such a judge. [See: Black's Law Dictionary, Rev. 4th Ed. (1968), p. 723 at "FALSE PERSONATION" and "FALSE PRETENSES," pp. 788-789 at "FRAUD," p. 1713 at "USURPATION"; Pa.C.S.A. Title 18, Crimes Code," §4107; 4 Steph.Comm. 181, 290; 22 C.J.S., Criminal Law, § 150, p. 183; Harrigan v. Gilchrist, 99 N.W. 909, 934, 121 Wis. 127 (1904)]

58. PROOF OF CLAIM, a judge who has failed to "perfect title" to his/her "office" and thereby; and therein, has no lawful NOR legal right to NOR right to exercise/use the "plenary powers" resident therein; and specifically as this matter relates to and bears upon the judge within the above referenced alleged Criminal Case/Cause, is not therein acting and holding said "office" in the character thus un-lawfully assumed to deceive others, and thereby; and therein, gain some profit or advantage and/or some right or privilege belonging to the one so falsely personated; and, is not thereby; and therein, acting and holding the "office of a judge" under "color-of-law" i.e., an appearance, semblance as distinguished from that which is real, valid, and lawful: a prima facie or apparent authority (not actual authority, but that which a Principal holds agent out as possessing [See: Mutual Life Ins. Co. v. Steckel, 216 Ia. 1189 250 N.W. 476; Herbert v. Langhoff, La.App., 164 So. 262, 266]) and, is not therefore operating and functioning as a "judge de facto" i.e., having no authority and right thereto by lawful title and would not render all decisions, orders, and judgments of such a judge void ab initio, unenforceable, and of no force or effect.

59. PROOF OF CLAIM, a judge who has failed to "perfect title" to his "office" and thereby; and therein, has no right to NOR right to exercise/use the "plenary powers" resident within the "office of a/the judge," and specifically as this relates to and bears upon the judge and said "office" within the above referenced alleged Criminal Case/Cause, is not operating and functioning in the capacity of a judge through trespass of title and "usurpation" of powers; and, such acts of "usurpation" and trespass do not constitute acts of fraud (extrinsic and/or collateral) by an "agent" of a principal and power appearing of a foreign nature and character, acting to gain an undue or unconscientious advantage over another; and specifically the Undersigned as this matter relates to and bears upon the above referenced alleged Criminal Case/Cause, for which said acts of "fraud" do not vitiate and render void ab initio, unenforceable, and of no force or effect ALL decisions, orders, and judgments of such a trespassing, usurping,

and de facto judge. [See: Joiner v. Joiner (Tex.Civ.App.) 87 S.W.2d 903, 914-915; Long v. Shorebank Development Corp., 182 F.3d 548 (C.A.7 (Ill.) 1999); Rook v. Rook, 353 S.E.2d 756 (Va. 1987); Irving v. Rodriquez, 169 N.E.2d 145 (Ill. 1960); People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (Ill. 1994)]

60. PROOF OF CLAIM, the "presiding judge" within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was not acting therein without having "perfected titled" to his/her office; and, thereby; and therein, was not "trespassing upon title" to said "office"; and, thereby; and therein, was not "usurping" the right of and right to exercise/use (falsely holding out possession coupled with use) the "plenary powers" resident within said "office;" and, did possess lawful title to said "office", and the right of and right to exercise/use of said powers; and, was not therefore acting under "color-of-law," "False Personation," "False Pretenses," "Usurpation," "Fraud," "Deceptive and Fraudulent Business Practices," and operating alone; or in concert, a "Confidence Game"; and, did not thereby; and therein, commit "constitutional impermissible acts"; or, "ultra vires" acts; or, "illegal" acts upon; and against, the Undersigned within the above referenced alleged Criminal Case/Cause; and, all decisions, orders, and the judgment entered/rendered within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** are valid, enforceable, and of binding force or effect. NOTE: Response to this Proof of Claim will require the Respondent(s) to provide "CERTIFIED" true, correct, and complete copies of those documents and "Credentials" which Respondent(s) may be relying on to support any and all claims that Respondent(s) brings forth to include but not limited to Oath(s) of office bonding of the "presiding judge" within the above referenced alleged Criminal Case/Cause.

61. PROOF OF CLAIM, a "void judgment" is not an absolute and complete nullity from the beginning (ab initio) even before reversal; and, acts performed under it are not also nullities; and, it is in law a judgment at all; and, is entitled to any respect whatsoever, as it does affect, impair, or create legal rights; and, is not mere waste paper; and, it does have binding force or effect; and, does bind anybody or anyone; and, is good anywhere; and, is not bad everywhere; and, is capable therefore of enforcement in any manner or to any degree. [See: Ex parte Seidel, 39 S.W.2d 221, 225 (Tex. 2001); Ex parte Williams, No. 73,845 (Tex. 2001); Ex parte Spaulding, 687 S.W.2d 745; Ex parte Myers, 121 Neb. 56, 236 N.W. 143, 144; Billy Dunklin v. A.J. Land, et ux., 297 S.W.2d 360 (1956); Williamson v. Berry, 8 How. 945, 12 L. Ed. 1170, 1189, (1850); Commander v. Bryan, 123 S.W.2d 1008 (Tex.Civ.App. 1938); Maury v. Turner, 244 S.W. 809 (Tex.Civ.App. 1922); Reynolds v. Volunteer State Life Ins. Co., 80 S.W.2d 1087, 1092 (Tex.Civ.App. 1935); Gentry v. Texas Department of Public Safety, 379 S.W.2d 114, 119, (Tex.Civ.App. 1964); Luben v. Selective Service System Local Bd. No. 27 et al., 453 F.2d 645, 649, 14 A.L.R. Fed. 298; 15 Fed.R.Serv.2d 865 (C.A. (Miss.) 1972); Hobbs v. US Office of Personal Management, F.Supp. 205, recons. den. 149 F.R.D. 147, afrmd. 29 F.2d 1145 (N.D. Ill. 1992); Ruben v. Johns, 109 F.R.D. 174 (D. Virgin Islands 1985); Loyd v. Director, Dept. of Public Safety, 480 So.2d 577 (Ala.Civ.App. 1985); Allcock v. Allcock, 437 N.E.2d 392 (Ill.App. 1982); In re Marriage of Parks, 630 N.E.2d 509 (Ill.App. 1994); Stidham v. Whelchel, 698 N.E.2d 1152 (Ind. 1998); City of Lufkin v. McVicker, 510 S.W.2d 141 (Tex.Civ.App. 1973); Thompson v. Thompson, 238 S.W.2d 218 (Tex.Civ.App. 1951); In re Marriage of Hampshire, 261 Kan. 854, 862, 934 P.2d 58 (1997); Black's Law Dictionary, Rev. 4th Ed. (1968), p. 1745 at "VOID JUDGMENT"]

62. PROOF OF CLAIM, "laches" and "lapses in time" are applicable to void judgments; and, such do create any form of estoppel which operates/functions to prevent/bar a party bound under a void judgment from obtaining relief and remedy therefrom; and, void judgments are capable of confirmation or ratification; specifically as this matter relates to and bears upon the above referenced alleged Criminal Case/Cause. [See: Commander v. Bryan, 123 S.W.2d 1008 (Tex.Civ.App 1938); Maury v. Turner, 244 S.W. 809 (Tex.Civ.App. 1922); Garcia v. Garcia 712 P.2d 288 (Utah 1986); Lucas v. EState of Stavos, 609 N.E.2d 1114 (Ind.App. 1933); Commonwealth v. Miller, 150 A.2d 585 (Pa.Super. 1959); Ex parte Meyers, 121 Neb. 56]

63. PROOF OF CLAIM that "void judgments" cannot be attacked collaterally (i.e., an attempt to impeach (i.e., to dispute, disparage, deny, or contradict; as, to impeach a judgment or decree) the judgment by matters dehors (i.e., out of; without; beyond; foreign to; foreign to the record [See: 3 Bl. Comm. 38]) the record in an action other than that in which it was rendered; an attempt to avoid, defeat, or evade it, or deny its force and effect in some incidental proceeding not provided by law for the express purpose of attacking it and specifically as this relates to and bears upon the above referenced alleged Criminal Case/Cause. [See: Ex parte Williams, No. 73,845 (Tex.Civ.App. 2001); Ex parte Shields, 550 S.W.2d 675; Glunz v. Hernandez, 908 S.W.2d 253, 255 (Tex.App. 1995); Tidwell v. Tidwell, 604 S.W.2d 540, 542 (Tex.Civ.App. 1980); Billy Dunklin v. A.J. Land, et ux., 297 S.W.2d 360 (1956); Reynolds v.

Volunteer State Life Ins. Co., 80 S.W. 2d 1087 (Tex.Civ.App. 1935); Gentry v. Texas Department of Public Safety, 379 S.W.2d 114, 119 (Tex.Civ.App. 1965); Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999); People v. Wade, 506 N.W.2d 954 (Ill. 1987); People v. Sales, 551 N.E.2d 1359 (Ill.App. 1990); People v. Rolland, 581 N.E.2d 907 (Ill.App 1991); City of Lufkin v. McVicker, 510 S.W.2d 141 (Tex.Civ.App. 1973); Irving v. Rodriquez, 169 N.E.2d 145 (Ill.App 1960); In re EState of Steinfield, 630 N.E.2d 801; People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (Ill. App. 1994); Sanchez v. Hester, 911 S.W.2d 173 (Tex.App. 1995); 46 Am.Jur.2d, Judgments, §25, pp. 388-389; John M. VanFleet, The Law of Collateral Attack on Judicial Proceedings, Callagham & Co., Chicago, 1892, p.25]

64. PROOF OF CLAIM, a "collateral attack" against/upon a "void judgment" is not any proceeding or "procedure" out of /foreign to the record; and specifically the record of the alleged court of record within the above referenced Criminal Case/Cause, in an action/process other than that in which the void judgment was rendered, in an attempt to avoid, defeat, evade, or deny the force and effect of the void judgment. [See: Glunz v. Hernandez, 908 S.W.2d 253, 255, and see fn. 1 therein (Tex.Civ. App. 1995); Davis v. Boone, 786 S.W.2d 85, 87 (Tex.App. 1990)]

65. PROOF OF CLAIM, "procedure" is not defined as a "Series of Symbolic Actions, generally accompanied by words, and in developed societies, by the Exhibition of Written Documents, by means of which Rights or Liberties guaranteed by a society are reasserted by its individual members. Reassertion is the Essence of Procedure; for in the sense in which we shall use the term... it assumes an already violated right." [See: Greenidge, The Legal Procedures of Cicero's Time, Intro. 1 (Oxford 1901); Poyser v. Minors, 7 Q.B.Div. 329, 333 (1881); Maine, Ancient Law, ch. V; Roman Private Law. Founded on the Institutes of Gauis and Justian. 2nd Ed. 1930, Macmillan & Co., Ltd., St. Martin's Street, London, wherein it States: "This is what Sir Henry Maine means by saying that the progress of society is from status to contract...Wherein a modern society ...the ordinary citizen is free to alter his legal position by express contract."]

66. PROOF OF CLAIM, there is a specific or set procedure for a "collateral attack" against/upon; and in relation/regards to, a "void judgment"; and specifically within the above referenced Criminal Case/Cause. [See: Glunz v. Hernandez, 908 S.W.2d 253, 255, fn. 1 (Tex.App. 1995); F.R. Civ. P. Rule 60(b) re "independent action"]

67. PROOF OF CLAIM, this Conditional Acceptance for Value and counter offer/claim for Proof of Claim, Item No , as a "Private Administrative Procedure" in the nature of Discovery and Validation of Debt, cannot be utilized/employed/used, and the like by the Undersigned as a "collateral attack" against/upon; and in relation/regards to, a "void judgment" to "set the agreement" of the "parties"; i.e., the Respondents and the Undersigned; specifically in application to/with the above referenced alleged Criminal Case/Cause, and thereby; and therein, avoid, defeat, evade, and deny the validity, lawfulness, procedural legality, enforceability, and force and effect of said judgment entered/rendered in said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and thereby; and therein, acquire relief and "remedy"; which includes "rights," and thereby; and therein, reassert a Right already violated to obtain relief through the "personal repleving" of the corpus, Liberty, and all property of the Undersigned's un-lawfully (and illegally) taken, seized, detrained, and the like resulting from the "void judgment" of said court within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and currently warehoused within the "field warehouse", also known by any and all derivatives and variations in the spelling of said name, operating/functioning as an instrument/arm/unit of the alleged "Bonded" "FEDERAL" warehousing agency d.b.a. Federal Bureau of Prisons / FEDERAL BUREAU OF PRISONS a foreign to the United States body, a Private Corporation, Military Based Operation, also known by all derivatives and variations in the spelling of said name.

68. PROOF OF CLAIM, the jurisdiction; and specifically that of the alleged court of record within the above referenced alleged Criminal Case/Cause, of the court; i.e., in personam and subject-matter jurisdiction, does not have to be proven; and, all jurisdictional facts related to the jurisdiction asserted does not have to be proven upon the record; and, once jurisdiction is raised, the burden does not shift to the court; and specifically the alleged court of record within the above referenced Criminal Case/Cause, to prove jurisdiction; and, the court; and specifically the alleged court of record within the above referenced Criminal Case/Cause, does have any discretion to ignore lack of jurisdiction; and, the court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can proceed once jurisdiction is raised; and, the court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, does have authority to reach merits, and should not rather dismiss the cause of action; and, jurisdiction can be assumed, and does not have to be proven to exist and decided.

[See: Melo v. U.S., 505 F.2d 1026; Joyce v. U.S., 474 F.2d 215; Rosemond v. Lambert, 469 F.2d 416;. Lantana v. Hopper, 102 F.2d 188; Chicago v. New York, 37 F.Supp. 150; Stuck v. Medical Examiners, 94 Ca.2d 751, 211 P.2d 389; Maine v. Thiboutot, 100 S.Ct. 250; Hagans v. Lavine, 415 U.S. 533]

69. PROOF OF CLAIM, the court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, does not have the power and duty to vacate a "void judgment" and, relief from a "void judgment" is a discretionary matter and is not mandatory; and, principles of res judicata and the concomitant/subsequent consequences thereof will be applied to a "void judgment"; and, a "void judgment cannot be vacated any time." [See: Thomas, 906 S.W.2d 262; Harrison v. Whiteley, 6 S.W.2d 89 (Tex.Civ.App.); Neugent v. Neugent, 270 S.W.2d 223, Bridgham v. Moore, 143 Tex. 250, 183 S.W.2d 705, 707; Orner v. Shalala, 30 F.3d 1307, 1310 (C.A. 10 (Colo.) 1994), quoting V.T.A., Inc. v. Airco Inc., 597 F.2d 220, 224, n. 8 (C.A. 10 (Colo.) 1994); Athens Community Hospital, Inc. v. Schweiker, 686 F.2d 989 (1982), F.R.Civ.P., Rule 12(h); Hobbs v. U.S. Office of Personnel Management, 485 F.Supp. 456 (M.D.Fla. 1980); Rubin v. Jones, 109 F.R.D. 174 (D. Virgin Islands 1985); Loyd v. Director, Dept. of Public Safety, 480 So.2d 577 (Ala.Civ.App. 1985); Allcock v. Allcock, 437 N.E.2d 392 (Ill.App. 1982); In re Marriage of Parks, 630 N.E.2d 509, 122 Ill.App.3d 905, 909 (1984); Stidham v. Whelchel, 698 N.E.2d 1152 (Ind.1998); Graff v. Kelly, 814 P.2d 489 (Okl. 1991); In re Marriage of Hampshire, 261 Kan. 854, 862, 934 P.2d 50 (1997)]

70. PROOF OF CLAIM, it is necessary for one to take any steps to have a "void judgment" reversed/vacated/set aside. [See: Holder v. Scott, 396 S.W.2d 906 (Tex.Civ.App. 1965)]

71. PROOF OF CLAIM, a judgment of a court and specifically the judgment of the alleged court of record within the above referenced alleged Criminal Case/Cause, is not void as long as there is an arguable basis for subject-matter jurisdiction. [See: Kocher v. Dow Chemical Co., 132 F.2d 1225, 1230-1231; 39 Fed.R.Serv.3d 1148 (C.A. 8 (Minn. 1997)]

72. PROOF OF CLAIM, that "judgments" of a court and specifically the judgment of the alleged court of record within the above referenced alleged Criminal Case/Cause, is not a form of "bond" - i.e., a negotiable instrument evidencing debt and then sold for raising revenue.

73. PROOF OF CLAIM, whereas the "test of jurisdiction" of a court is its right to decide, the judgment of a court; and specifically the judgment of the alleged court of record within the above referenced Criminal Case/Cause, which had no jurisdiction at the time the judgment was entered/rendered is not therefore absolutely void and subject to defeat collaterally, as in this Conditional Acceptance for Value and counter offer/claim For Proof of Claim, Item No.

[See: United States v. U.S. Fidelity & Guarantee Co., 24 F.Supp. 961, 966 (1938), which States: "The test of jurisdiction is the right to decide, not right decision. Judgments of courts, which at the time the judgments were rendered had no jurisdiction, ...are absolutely void, and may be attacked and defeated collaterally."; cf. 47 Am.Jur.2d, Judgments, §916]

74. PROOF OF CLAIM, even if a "void judgment" is affirmed on appeal, it is thereby rendered valid. [See: Ralph v. Police Court of City of El Cerrito, 190 P.2d 632, 634, 84 Ca.App.2d 257 (1948)]

75. PROOF OF CLAIM, when jurisdiction; i.e., in personam and or subject-matter jurisdiction, is lacking/wanting by a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, the court does not have to dismiss the cause of action; and, its neglect or refusal to do so is not usurpation. [See: Garcia v. Dial, 596 S.W.2d 524, 528 (Tex.Civ.App. 1980), which States: "Lack of jurisdiction and the improper exercise of jurisdiction are vitally different concepts. ...Where the court is without jurisdiction it has no authority to render any judgment other than one of dismissal."; 22 C.J.S., Criminal Law, § 150, p.183, which States: "Jurisdiction is a fundamental prerequisite to a valid prosecution and conviction, and a usurpation thereof is a nullity."; Harriigan v. Gilchrist, 99 N.W. 909, 934, 121 Wis. 127 (1904), which States: "If [excessive exercise of authority] has reference to want of power over the subject matter, the judgment is void when challenged directly or collaterally. If it has reference merely to the judicial method of the exercise of power, the result is binding upon the parties to the litigation until reversed ... The former is usurpation; the latter error in judgment.", Voorhees v. The Bank of the United States, 35 U.S. 449, 474 (1836), which States: "The line which separates error in judgment from the usurpation of power is very definite."]

76. PROOF OF CLAIM, whereas the parties involved within the above referenced alleged Criminal Case/Cause; and, the Respondent(s) d.b.a. "Judge," "District Attorney," and "Attorney General" may be in a "legal" sense immune from any claims that they are guilty of corruption due to their "proper" exercise of jurisdiction, this same immunity does hold and shield said parties; and Respondent(s), for their acts; whether of commission or omission, wherein they lack/want jurisdiction; perfection of title to "office," right to and right to exercise/use the "plenary powers" resident therein; and, in fact without Lawful/legal authority, once this lack/want of right/power/authority, and the like has been raised through NOTICE and WARNING as within this Conditional Acceptance for Value and counter offer/claim For Proof Of Claim, Item N relating to and bearing upon the above referenced alleged Criminal Case/Cause, and said parties; or Respondent(s), therein choose to ignore said Notice and Warning, and essentially proceed as if the said judgment is valid by refusing to perform their duty/obligation to vacate said judgment upon agreement; whether expressed or tacit, with the Undersigned that judgment is in fact VOID ab initio, unenforceable, and of no binding force or effect; and, would not thereby establish and demonstrate Respondent(s) failure to perform in accordance with; and pursuant to, the terms and conditions of their voluntary commercial indenture through failure to/of duty and obligation to vacate the judgment in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** an "Order of Release" (termination Statement) which would not constitute and establish acts of "usurpation," and conspiracy therein; and thereto.

77. PROOF OF CLAIM, courts; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, will not and do not make use of a concept/rule known as "Constitutional Avoidance" in deciding matters to avoid conflict with the Constitution or Bill of Rights; and, will not and do not always adopt the interpretation of the alleged statute/law (or matter under consideration before the court) which avoids a conflict with the Constitution; or, will not dispose of matters by some other means which avoids the Constitution altogether if possible. [See: Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 347 (1935), which States: "The Court will not pass upon a constitutional question although properly presented by the record, if there is also present some other ground upon which the case may be disposed of."; Silver v. Louisville & Nashville R.R. Co., 213 U.S. 175, 193 (1908), which States: "Where a case in this court can be decided without reference to questions arising under the Federal Constitution, that course is usually pursued."; cf. Light v. United States, 222 U.S. 523, 538 (1910); Panama R.R. Co. v. Johnson, 264 U.S. 375, 390 (1928), which States: "A statute must be construed, if fairly possible, so as to avoid not only the conclusion that it is unconstitutional but also grave doubts upon that score."; cf. United States v. Standard Brewery, 251 U.S. 210, 220 (1919); Hagans v. Levine, 415 U.S. 533, 547 (1973), which States: "[The ordinary rule [is] that a federal court should not decide federal constitutional questions where a dispositive un/non-constitutional ground is available."; Kurtz v. Erie, 389 pa. 557, 565, 133 A.2d 172, 176 (1957); Fortson v. Commonwealth, Crime Victim's Compensation Board, 512 A.2d 734, 738 (Pa.Comm. 1986)]

78. PROOF OF CLAIM, a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, when confronted with a case/cause brought before it which appears "on its face" to be founded upon unconstitutional statute/law, will not tacitly; if not expressly, look to a "contract" or "quasi contract," real or presumed, expressed or implied, revealed or unrevealed which will act as a nexus (relationship) between the parties from which the court can assume its right to decide and thereby; and therein, bind the "named" defendant to the "un/non-constitutional" source of authority for the existence of the statute/law acting as the terms/conditions of said contract, in which the "named" defendant is alleged/charged as violating; or, being in breach thereof, and thereby; and therein, avoid the constitutional conflict/question altogether.

79. PROOF OF CLAIM, the alleged court of record within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** did not look to; and rely thereupon, a charging document/instrument (Indictment), and affidavit in support thereof, by which; and through which, said court assumed its right to decide which was not "fatally defective" for alleging/charging violation(s) of statute(s)/law(s) cited from the United States Code; and specifically Title 15 ("Commerce and Commercial Transactions"), and Title 18 ("Crimes and Criminal Procedure") thereof which on their face contain NOR exhibit no enacting clause(s) evidencing the will of the General Assembly that such is to exist as Statute(s)/law(s) of United States, NOR any authority for their existence, NOR titles and thereby; and therein, providing no evidence as to their nature, which in accordance with; and pursuant to, the lex non scripta and fundamental concepts, requisites, essentials, and solemnities of law-making derived from the usages of time honored, proven, and ancient traditions and customs and fundamental constitutional principles of law-making do not render said alleged/charged violation(s) of said statute(s)/law(s) VOID, unenforceable, and of no binding force and effect for their failure to create a criminal public

offense for which the "named" defendant and the Undersigned can be convicted and punished for; therefore, failing to create a subject-matter (crime) for the allege court of record within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** to assume any jurisdiction in, over, upon, and the like. [See: H.R. 3190 (80th Congress, 1947-1948). Pub.L. 80-772; specifically April 24, 1947, H.R. Rep. No. 304, 80th Cong., 1st Sess., 100 app. (1947); 93 Cong. Rec. 5048-49, 5121; May 12, 1947, 93 Cong. Rec. 5049 (no quorum present, cf. U.S. Cons. Art. I, § 5, cl. 1, Art. I, § 7, cl. 2); S. Con. Res. 33, 93 Cong. Rec. 10522, 10439, July 26, 1947; 94 cong. Rec. 8075, June 14, 1948; S. Rep. 1620, 80th Cong., 2d Sess. 2430, June 18, 1948; 94 Cong. Rec. 8864; Daily Digest, 94 Cong. Rec. D556-557, 80th Cngress, June 18, 1948; 94 Cong. Rec. 8864-65: see S. Rept. 1620, 80th Cong., 2d Sess. 2430 (1948); 94 Cong. Rec. 9158; 94 Cong. Rec. 9354, 9363, 9365, June 19, 1948; and 94 cong. Rec. 9367, June 25, 1947.]

80. PROOF OF CLAIM, the alleged court of record within the above reference alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** did not tacitly determine; and assume, its jurisdiction in the subject-matter; and over and upon the parties, within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** based upon some "contract," real or presumed, expressed or implied, revealed or unrevealed as a "un/non-constitutional other ground" within; and upon, which it proceeded to exercise its right to decide, render/enter a judgment therein, and thereby avoid the constitutional conflict/question altogether.

81. PROOF OF CLAIM, contracts do not supersede the Constitution, the law therein; and thereof, as well as ALL constraints, prohibitions, and provisions therein expressed, because contracts arise not from the Constitution, but from without the Constitution, based upon a man or woman's unalienable; and unlimited, Right to privately contract which cannot be impaired.

82. PROOF OF CLAIM, the alleged court of record within the above referenced alleged Criminal Case/Cause, did fully disclose; in good faith and with clean hands, to the "named" defendant within said Criminal Case/Cause; or, the Undersigned, any contract; or, quasi contract, real or presumed, expressed or implied, revealed or unrevealed from which said court formed for itself a "un/non-constitutional other ground" upon which; and within which, it assumed its jurisdiction; i.e., its right to decide, and thereby; and therein exercise its power to enter/render a judgment therein and avoid the constitutional conflict/question altogether.

83. PROOF OF CLAIM, the alleged court of record within the above referenced alleged Criminal Case/Cause; by resorting to a contract or quasi contract, real or presumed, expressed or implied, revealed or unrevealed between the parties; i.e., the "named" defendant and source of authority for the existence of said "un/non-constitutional" Statute(s)/law(s), acting therein; and thereby, to bind the "named" defendant and the Undersigned to said source of authority and thereby to said statute(s)/law(s) alleged/charged to have been violated/breached by the "named" defendant and or the Undersigned, does not thereby; and therein, Declare and Affirm tacitly; if not expressly, the unconstitutional nature of the alleged statute(s)/law(s) cited within; and upon the face of, the charging document/instrument (Indictment), and affidavit in support thereof, provided by the United States Attorney's Office; and, does not conversely Declare and Affirm the "un/non-constitutional" nature of said statute(s)/law(s) alleged/charged as having been violated or breached.

84. PROOF OF CLAIM, the source of authority for the existence of the statutes(s)/law(s) alleged/charged as having been violated/breached by the "named" defendant within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** as cited within and upon the face of the charging document/instrument (Information); and affidavit in support thereof, employed/used by the District Attorney's Office and the alleged court of record within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not and does not represent a "foreign source of authority" to the "named" defendant and the Undersigned without there existing a contract creating a relationship and establishing a nexus with/to said source of authority and the "named" defendant in said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and the Undersigned, and the Undersigned's "State-In-Being," and "State-In-Fact."

85. PROOF OF CLAIM, whereas a "relationship" must exist and be established between a source of authority for a statute's law's existence and, ***a Private Citizen,*** to be bound thereby; and, whereas the "relationship" presumed to have been established and existing between the "named" defendant within the above referenced alleged Criminal

Case/Cause, and the source of authority for the existence of the "un/non-constitutional" statute(s)/law(s) as cited within and upon the face of the warrant of arrest, charging document instrument (Indictment), and affidavits in support thereof within same Criminal Case/Cause, presumed to have arisen from some "contract"; or, "quasi contract," real or presumed, expressed or implied, revealed or unrevealed which creates and establishes said "relationship/nexus" as one of contractual obligations between the parties to said contract, such does not define and reveal the nature and cause of said Criminal Case/Cause; and ALL proceedings therein, as some form of suit in equity/chancery, arising from some alleged/charged violation(s) of terms and conditions of said alleged contract for a tort, fault, misconduct or malfeasance arising therefrom on the part of the "named" defendant in said Criminal Case/Cause, alleged/charged as being in "breach" of duty/obligation arising from said "contract" as an action ex delicto.

86. PROOF OF CLAIM, the actual nature and cause of the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and ALL proceedings, procedures, and processes therein, were in fact fully disclosed and explained to the "named" defendant in said Criminal Case/Cause; or, the Undersigned, by the Presiding Judge, United States Attorney (or his Assistant), and or the alleged court of record appointed Defense Attorney; and, such full disclosure does appear upon the face of the record of the alleged court of record, but said facts relating to the actual nature and cause of said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** were not rather actively and purposely concealed and hidden by said "Officer(s)" of "the United States" and or "Court" which thereby; and therein, constituted and established acts of fraud against and upon the "named" defendant within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and the Undersigned by said "officers."

87. PROOF OF CLAIM, the legal status of these "un/non-constitutional legislative entities" operating/functioning as sources of authority for these so-called "Revised Codes/Statutes"; and specifically the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, is not that of a corporation/quasi corporation; which, is also created by statute. [See: 73 C.J.S., Public Administrative Law and Procedures, § 10, p. 372, citing: Parker v. Unemployment Compensation Commission, 214 S.W.2d 529, 358 Mo. 365, which States: "The powers granted to an administrative body may be such as to establish it as a legal entity, and, although not expressly declared to be a corporation, it may be considered a public quasi corporation."; Texas & Pacific Railway v. InterState Commerce Commission, 162 U.S. 197 (1895), which States: "The InterState Commerce Commission is a body corporate, with legal capacity to be a party plaintiff or defendant in the Federal courts."; 2 Am.Jur.2d, Administrative Law, § 32, p.56, which States: "Some administrative agencies are corporate bodies with legal capacity to sue and be sued."]

88. PROOF OF CLAIM, that the Legislative Reference Bureau, created by Act of April 27, 1909, P.L. 208, and, reorganized by Act of May 7, 1923, P.L. 158, as a legislative "agency' with the primary function to draft and pass upon legislative bills and resolutions for introduction in the General Assembly, and to prepare for "adoption" by the General Assembly, "Codes" by topics, of the existing general statutes for which it was handed over statutory authority in 1974 to publish an "official publication" of the United States Code, is not operating/functioning as a "un/non-constitutional legislative entity"; and, is not operating or functioning as a foreign corporate entity representing the source of authority for the existence of statute(s)/law(s) known as the United States Code, in the capacity of an "administrative law agency" administering the corporate affairs and public of that which created it by statute.

89. PROOF OF CLAIM, these alleged statute(s)/law(s) of this "un/non-constitutional legislative entity"; i.e., the Legislative Reference Bureau, operating/functioning as a foreign corporate "administrative law agency" are not by nature the private "by-laws" of a "corporation" for the administration of its internal Government and public; and, are binding and of force or effect over and upon the private, non-enfranchised, and non-assumpsit's thereto; and therewith, living, breathing, flesh-and-blood man or woman, i.e. a natural person/man or woman; and, as such, are not ultimately governed by, through, and within the realm of commercial law as adopted and codified within The United States Code thereby; and therein, representing commercial law for operating functioning in commerce.

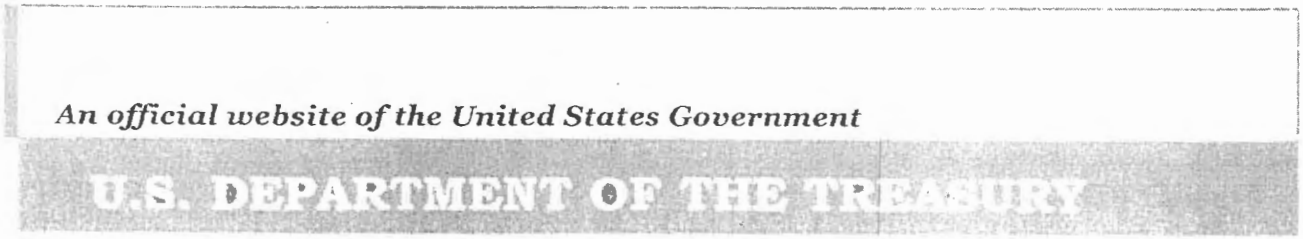
90. PROOF OF CLAIM, whereas the Constitution for the United States of America at Article I, Section 8 and 10 clearly prohibits the Congress from printing and issuing Federal Reserve Notes as it is a constitutional entity, or

purportedly so, and its actions are limited thereby; and therein, a corporation or trust is not; e.g., the Federal Reserve System, created by Congressional Act in 1913, and as a "un/non-constitutional Congressional entity" without the Constitution, and therefore not bound NOR encumbered by said document/instrument, may proceed to print and issue money (currency) which would be an unconstitutional form of money for Congress; restrained as it is, by the instrument/document of its creation, these "un/non-constitutional legislative entities"; e.g., the Legislative Reference Bureau, and the alleged statute(s)/law(s) they create/generate is not a "un/non-constitutional" issue having no nexus with the Constitution; and, the binding force or effect of said statute(s)/law(s) is not established/created solely from; or by, contract between the parties; which, once silent judicial notice of said contract is taken by the presiding judge, whether real or presumed, expressed or implied, revealed or unrevealed, therein operates/functions to bind the "named" defendant in the case/cause; and specifically the "named" defendant within the above referenced alleged Criminal Case/Cause, to the alleged/charged violation(s) of Statute(s)/law(s) cited within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof; and specifically within the above referenced alleged Criminal Case/Cause, unless said judicial presumption of a contract is rebutted.

a. Please note that although it is the United States Treasury Department who prints the so-called Federal Reserve notes, these notes have no value and are not backed by anything-

"Federal Reserve notes are not redeemable, and receive no backing by anything This has been the case since 1933. The notes have no value for themselves," this is taken from the official website of the United States financial expert, the United States Department of the Treasury whose job it is to print the money to be utilized by the public, and note how they say that since the government declared bankruptcy in 1933 their notes have had no value.

An official website of the United States Government



https://www.treasury.gov/resource-center/faqs/Currency/Pages/legal-tender.aspx

the Federal Reserve issues bookkeeping entry credit, there is no constitutional amendment permitting the Federal Reserve and/or the treasury to create worthless items and declared them to be currency. The Constitution has held that the monies created by Congress must have a value, and this is not a market value but a national currency value. Federal Reserve bookkeeping entry credit is not regulated by Congress, making this process by the Federal Reserve, the issuance of bookkeeping entry credit, unconstitutional. That is, unless and until you can provide facts and conclusions of law and not opinion to the contrary.

91. PROOF OF CLAIM, where an American defendant before an American court, charged with the violation of a statute/law of the French Parliament, to which he mounts a defense upon an "unconstitutional" issue of a law violating his alleged 4th and 5th Amendment rights, and its being repugnant to the Constitution, the presiding judge would have committed an "error in judgment" were s/he to hold that said law (regardless of how apparently corrupt and fascist this holding may seem to paint said court and judge) is not "unconstitutional"; and, such a holding and Statement of the judge is not a tacit affirmation on the part of said judge that the matter was improperly presented as an "unconstitutional issue" when it should have been presented as a "un/non-constitutional" issue; i.e., a law outside and foreign to the Constitution, which would have acted to focus upon and address the nature of said law and the lack/want of relationship (contract or otherwise) existing between said defendant and the source of authority for the

existence of said law to which; for said lack/want of relationship, said defendant has no duty NOR obligation to follow, comply with, NOR obey.

92. PROOF OF CLAIM, whereas the issue of a trial or hearing exists when the plaintiff and defendant arrive at some specific or matter in which one affirms and the others denies [See: Black's Law Dictionary, 2nd Ed., West Publishing, 1910, p.657], a court does not create the issue by asking the "named" defendant how he disputes to the charges.

93. PROOF OF CLAIM, if there is a statute/law within and upon the face of a charging document/instrument which alleges/charges a violation of an unconstitutional statute/law, or is from another State, or legal entity, or even a "un/non-constitutional legislative entity," such as those statutes/laws cited from the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof within the above referenced alleged Criminal Case/Cause, a defendant; and specifically the "named" defendant within the above referenced alleged Criminal Case/Cause, in the act of entering a ***plea or verdict*** thereto; and therein, does not thereby; and therein, admit to the geniuses of said "charging document/instrument (Indictment); and, does not admit to the validity of the statute(s)/law(s) cited therein; and, does not thereby form the issue for trial which would exist even without a plea, ***a***nd without which there would be anything before the court or jury for trial. [See: Frisbe v. United States, 157 U.S. 160, 165; 39 L.Ed. 657 (U.S.La. 1895), which States: "The very act of pleading to it [an indictment] admits its geniuses as a record."; Koscielski v. State, 158 N.E. 902, 903 (Ind. 1927), which States: "The plea forms the issue to be tried, without which there is nothing before the court or jury for trial."; cf. Andrews v. State, 146 N.E. 817, 196 Ind. 12 (1925); State v. Acton, 160 A. 217, 218 (N.J. 1932); United States v. Aurandt, 107 P. 1064, 1065 (N.M. 1910)]

94. PROOF OF CLAIM, it appears within and upon the face of the record of the alleged court of record in the above referenced alleged Criminal Case/Cause, the nature of the statute(s)/law(s) cited within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof, as relied upon by said court to assume its jurisdiction in the case/cause and over and upon the parties therein; and, the consequences of entering a plea; as established supra at Proof of Claim No. 92 and 93, were disclosed to the "named" defendant within the above referenced alleged Criminal Case/Cause, and the Undersigned by ANY "officer" of said court and/or United States; and, was not rather actively concealed and hidden from the "named" defendant and the Undersigned by said "officers"; and, such concealment does not operate to constitute/establish acts of fraud upon and against the "named" defendant and the Undersigned within the above referenced alleged Criminal Case/Cause.

95. PROOF OF CLAIM, the proceedings in which the "named" defendant and the Undersigned were subjected to within the above referenced alleged Criminal Case/Cause, were not in equity/chancery; and, the conflict was not with a "un/non-constitutional" source of authority for the existence of the statute(s)/law(s) alleged/charged as violated within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof.

96. PROOF OF CLAIM, courts and the legal system today; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can and do recognize and proceed upon common-law crimes/offense, and therefore acts, which are made crimes/offenses, are not made so by statute, or rather "Code."

97. PROOF OF CLAIM, all crimes are not commercial. [See: Constitution of/for the United States of America (1789, as amended 1791) Art. I, § 8, cl. 3 and 18; accord specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, USC; Title 27 CFR § 72.11; and United States v. Volungus, 595 F.3d 1. 4-5 (1st Cir. 2010); United States v. Pierson, 139 F.3d 501, 503 (5th Cir.), cert. denied, 525 US 896, 142 L Ed 2d 181, 119 S Ct 220, 1998 U.S. LEXIS 5985 (1998).]

98. PROOF OF CLAIM, the lack/want of subject-matter jurisdiction cannot stop a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, from proceeding; and, does not void ALL orders, decisions, judgments, and the like of said court as it cannot be waived, may be asserted at anytime; even after

trial for the first time, and is not affected by NOR negated by the act of entering a plea; not even a guilty plea, *as* such would confess nothing; and, this lack/want of subject-matter jurisdiction, whether ensuing from a fatally defective warrant of arrest or charging document/instrument; e.g., an Indictment as in the above referenced alleged Criminal Case/Cause, for employing/using and citing "unconstitutional statute(s)/law(s); or, "un/non-constitutional" statute(s)/law(s)/Code(s) without nexus (relationship); e.g., contract or otherwise, established and existing between the parties, does not effectuate the same result; i.e., the judgment is VOID and a complete nullity ab initio, unenforceable, and without binding force and effect, even before reversal.

99. PROOF OF CLAIM, whereas other State Supreme Courts have held these so-called "Revised Codes," or however termed/styled, not to be the law of their respective States, the United States Code is any different from these other so-called "Revised Codes"; and, is the law of the United States of America. [See: In re Self v. Rhay, 61 Wash.2d 261, 264, 265, 377 P.2d 885 (1963); cf. Oakley v. Aspinwall, 3 N.Y. 547, 568; Village of Ridgefield Park v. Bergen Co. Bd. of Tax, 162 A.2d 132, 134, 135, 65 N.J.Super. 133 (1960), citing: State v. Burrow, 104 S.W. 526, 527, 119 Tenn. 376 (1907)]

100. PROOF OF CLAIM, all jurisdiction with; and of, the United States/UNITED STATES is not by "contract"; and, said contractual constraints are not binding upon ANY and ALL courts within said juridical constructs and the jurisdiction exercised therein.

101. PROOF OF CLAIM, the "Executive Power"; i.e., the administrative branch of Government; State and federal/national, as created, ordained, and established within the written document/instrument for its existence, is not limited and guided by the "law of the land."

102. PROOF OF CLAIM, the "law of the land" and "due process of law" do not have the same meaning; and, the law intended by the Constitution; State and federal/national, is not the common-law. [See: State v. Doherty, 60 Maine 504, 509 (1872), which States: "The expressions 'due process of law' and 'law of the land' have the same meaning... The 'law' intended by the constitution is the common law that was handed down to us from our forefathers, as it existed and was understood and administered when that instrument was framed and adopted."]

103. PROOF OF CLAIM, the "due process of law" clause as expressly written within the Constitution for the United States of America, does not make and establish the common-law the "law of the land." [See: U.S. Const. 4th Amendment; Walter Anderson, A Treatise on the Law of Sheriffs, Coroners, and Constables, vol. I, § 166, p. 160 (1941), which States: "Heed should ever be paid to the voice of common law as it has echoed down through the ages, loudly proclaiming in the interests of the rights of the citizen, that it must not be forgotten that there can be no arrests without due process of law..."]

104. PROOF OF CLAIM, the common-law is not the foundation of "due process of law." [See: 6 R.C.L., § 434, which States: "...it is clear that the common law is the foundation of which is designated as due process of law."]

105. PROOF OF CLAIM, "due process of law" and "the law of the land" does not declare that, ***a Private Citizen,*** cannot be deprived of his liberty or property unless by the judgment of his peers or the law of the land. [See: Constitution of/for the United States of America (1789, as amended 1791) article in amendment V; Thomas Cooley, Constitutional Limitations, 364 and notes].

106. PROOF OF CLAIM, "due process of law" and what constitutes same is determined by the "Legislative Power" of Government; State and/or federal/national, and specifically that as exercised by the General Assembly of the present existing Government of the United States within and/or through its Statutes; and, is not a restraint upon the legislative as well as the executive and judicial powers of Government. [See: Murray's Lessee v. Hoboken Imp. Co., 18 How (U.S.) 272, 276 (1855), which States: "It is manifest it was not left to the legislative power to enact any process which might be devised. The [due process] article is a restraint on the legislative as well as the executive and judicial powers of Government, and cannot be so construed as to leave congress free to make any process 'due process,' by its mere will."; State ex rel. v. Billings, 55 Minn. 466, 474 (1893)]

107. PROOF OF CLAIM, whereas the Congress of the federal Government is not free to make any process it deems fit as constituting "due process of law," the General Assembly of the United States is free to make any process it deems fit as constituting due process of law.

108. PROOF OF CLAIM, what constitutes "due process of law" is not to be ascertained by an examination of the settled usages and modes of proceeding in the common and statute laws of England before the immigration of The People to this land and adoption of any Constitution. [See: Twining v. New Jersey, 211 U.S. 78, 100 (1908)]

109. PROOF OF CLAIM, the "due process of law" clause; i.e., the common-law as defined herein above, does not govern what the law on arrest is in the land; and, where it exists, the most statutes can be; and specifically as contained within the United States Code, is not declaratory of the common-law; and, if there is no direct language in the constitution of a State; and specifically as this relates to and bears upon said Constitution of the United States of America, directing what procedure or process is to be followed, the common-law; made the "law of the land" through the due process clause of the national/federal Constitution, is not to be the "due process of law" followed and enforced within the States as opposed to some legislative statute(s) (validly enacted or otherwise), or a city ordinance.

110. PROOF OF CLAIM, that law enforcement officers; however such may be termed/styled, who do not abide by the "law of the land"; i.e., the common-law as adopted through the due process clause of the national/federal Constitution, are not trespassers.

111. PROOF OF CLAIM, in matters relating to and bearing upon arrests, fundamental law; i.e., the organic law; i.e., the Constitution, is not controlling over and upon legislative statutes; and specifically the United States Code; and, is not therefore the prevailing law.

112. PROOF OF CLAIM, "due process of law" by which, ***a Private Citizen,*** may be deprived of his liberty and property is not that process which existed at common-law. [See: 4 Bl .Comm. 292]

113. PROOF OF CLAIM, ***a Private Citizen,*** can be arrested upon a warrant without "due process of law." [See: 2 R.C.L., Constitutional Requirements as to Warrants, § 21, p. 463, which States: "[T]he fundamental constitutional guarantees of personal liberty protect private individuals in the right of enjoyment of personal freedom without unlawful restraint, and it is universally recognized that no one may be arrested except by due process of law."]

114. PROOF OF CLAIM, "due process of law" does not have the same meaning throughout America.

115. PROOF OF CLAIM, in a criminal proceeding where an arrest is made without warrant, an invalid warrant, or a warrant illegally/un-lawfully executed, the burden is not upon the United States as this matter relates to and bears upon the above referenced alleged Criminal Case/Cause, to justify the arrest upon said warrant; or lack thereof, and subsequent criminal proceedings, as one not violating of constitutional provisions, and the invalidity of the arrest will not render any search invalid and ALL evidence obtained inadmissible. [See: Testolin v. State, 205 N.H. 825 (Wis. 1925)]

116. PROOF OF CLAIM, the warrant used/employed by an arresting officer in executing said arrest must not be in said officer's possession. [See: Alexander v. Lindsey, 230 N.C. 663, 55 S.E.2d 470, 474 (1949), which States: "In 6 C.J.S., Arrest, § 4, p. 576 et seq., we find the general rule Stated as follows: 'The warrant must at the time of arrest be in the possession of and with the person purporting to act there under or of one with whom he is acting in conjunction... Accordingly, where the warrant is at the officer's house some distance from the scene of arrest, or in the hands of another who is not at the scene of arrest, or in the central office of a city detective bureau, the arrest is unlawful.'"]

117. PROOF OF CLAIM, "possession" of a warrant of arrest by the arresting officer executing said warrant does not mandate it must be in the hand or pocket of said officer; and, said "possession" does not mandate, require, and establish that said warrant must be so nearby as to show it upon request with reasonable promptness. [See: State v. Shaw, 104 S.C. 359, 89 S.E. 322, 323 (1916); O'Halloran v. M'Guirk, 167 F. 493, 495, 93 C.C.A. 129 (1909); People v. Fischetti, 273 Ill.App. 215 (1933); Crosswhite v. Barnes, 139 Va. 471, 124 S.E. 242, 245 (1924), which

States: "The text-books generally State, and many cases hold, that it is necessary not only that a warrant of arrest should have been issued, but that the officer making the arrest shall have it with him and show it on request... In 1 Bish. New Crim. Proc. § 190, it is said, 'To justify an arrest under a warrant, the officer must have it in possession; and, if though delivered to him, he leaves it at his office or station house, it will not protect him.'", NOTE: This court in deciding the matter of Crosswhite v. Barnes, also referred to, and relied upon, a previous case in Virginia; i.e. Muscoe v. Commonwealth, 86 Va. 443, 10 S. 534 (1890), wherein a police, ***a Private Citizen,*** undertook to arrest Muscoe for a past misdemeanor, without warrant, and was shot and killed by Muscoe. Muscoe was convicted of murder and in the appeal; the court reversed the conviction stating: "Indeed, not only must there be a warrant in the class of cases last mentioned [misdemeanors], but, to justify the arrest, the officer must have the warrant with him at the time."]

118. PROOF OF CLAIM, where an offense is not committed in the presence of an officer; as in the above referenced alleged Criminal Case/Cause, in making an arrest for said offense, said officer does not need to have the warrant for arrest in his actual possession if the arrest is to be lawful. [See: Smith v. State, 208 So.2d 746, 747 (Miss. 1968)]

119. PROOF OF CLAIM, knowledge of the issuance and existence of a warrant of arrest by the party named therein does relax or even do away with the requirement that the arresting officer must be in possession of the warrant. [See: Walter H. Anderson, A Treatise on the Law of Sheriffs, Coroners, and Constables, vol. I, § 133, p. 128 (1941), which States: "Where arrest is being made under the authority of a warrant, the officer attempting to execute same, and arrest the party named therein, must be in possession of said warrant or it affords him no protection. The necessity for the possession of the warrant is not relaxed by reason of the fact the party to be arrested knows of the issuance and existence of such warrant for his arrest."]

120. PROOF OF CLAIM, a warrant of arrest must not be shown and read to, ***a Private Citizen,*** named therein and being placed under arrest, or informed of being under arrest, if requested to do so. [See: Smith v. State, 208 So.2d 746, 747 (Miss. 1968) wherein the Supreme Court of Mississippi Stated that the warrant must be in the actual possession of the officer; and: "...he must show it to the accused, if requested to do so."; State v. Shaw, 104 S.C. 359, 89 S.E. 322 (1916), wherein the court Stated the reason the warrant is to be in the actual possession of the arresting party is that: "... if demanded, he produce the warrant and read it to the accused, that he may know by what authority and for what cause he is deprived of his liberty."; Crosswhite v. Barnes, 139 Va. 471, 124 S.E. 242, 245 (1924), wherein a number of authorities in support are cited; e.g., "In the annotator's summary of the note in 42 A.L.R. at page 682, it is said: 'An accused person, if he demands it, is entitled to have the warrant for his arrest shown to him at the time of arrest. (See also 51 A.L.R. 211)'"; Frost v. Thomas, 24 Wend. 418, 419 (1840), which States: "A special deputy is bound to show his warrant if requested to do so, and if he omit, the party against who the warrant is may resist an arrest, and the warrant under such circumstances is no protection against an action for assault, battery and false imprisonment."; People v. Shanley, 40 Hun. 477, 478 (1886), which States: "[I]f the officer must show the warrant, if required, then it is plain that it must be in his actual possession. It would be absurd to construe this to mean that after making the arrest the officer must, if required, take the defendant to some other place and there show him the warrant."; State v. Phinney, 42 Me. 384 (1856), wherein it was Stated that it is very important in all cases where an arrest has been made by virtue of a warrant that: "...the warrant should be produced if demanded."; Shovlin v. Commonwealth, 106 Pa. 369, 5 Am.Cr.Rep. 41 (1884), which States: "It is doubtless the duty of an officer who executes a warrant of arrest to State the nature and substance of the process which gives him the authority he professes to exercises, and, if it is demanded, to exhibit his warrant, that the party arrested may have no excuse for resistance."; Jones v. State, 114 Ga. 79, 39 S.E. 861 (1901), wherein it was held by the court that a constable was not justified in attempting to arrest the defendant under a warrant which was in the sheriff's hands. The court Stated: "... it was the duty of an officer who attempts to make an arrest to exhibit the warrant if he has one."]

121. PROOF OF CLAIM, failure to show or display a warrant when a warrant for an arrest allegedly exists, the arrest does not thereby; and therein, become un-lawful/illegal. [See: Adams v. State, 121 Ga. 163, 48 S.E. 910, 911 (1904), which States: "In Gaillard v. Laxton, 2 Best & S. 363, 9 Cox C.C. 127, it was held that in a case in which a lawful arrest could not be made except under a warrant the arresting officers were bound to have the warrant ready to be produced if required; that an arrest in such a case by police officers who did not have the warrant in the possession at the time was illegal."]

122. PROOF OF CLAIM, the primary reason for the officer to have the warrant in his possession when making an arrest under the warrant is not so that it can be shown to the one arrested, so that he may know the authority by which he is being deprived of his liberty. [See: Cabell v. Arnold, 86 Tex. 102, 23 S.W. 645, 646 (1893), which States: "It ought not to be denied that the law contemplates that the warrant directing the arrest of a person charged with a crime will be in the possession of the officer when he makes the arrest under it, for if he is required to exhibit it, if called upon to do so; and this is based on a wise public policy, one purpose of which is that the officer may have to exhibit such evidence of his authority to make the arrest as will be deemed sufficient to take from the person whose arrest is commanded all right to question the authority of the officer."]

123. PROOF OF CLAIM, the argument that officers are free to arrest because there is a warrant "outstanding" is not nullified by the requirement of law that one arresting under a warrant must show it if requested to do so, which is not manifestly impossible unless the arresting officer has the warrant in his possession at the time of arrest. [See: Smith v. Clark, 53 N.J.L. 197, 21 A. 491 (1891), citing: Webb v. State, 51 N.J.L. 189, 17 A. 113, which States: "We think the authorities ...are all to the effect that the officer making the arrest must be in a situation to show, if required, the authority under which he is acting. It is the legal right of the citizen when arrested that such shall be the situation; and, therefore, when such situation does not exist that arrest is a legal wrong."; 2 R.C.L., Arrest, § 23, pp. 465-466, which States: "Every person relying upon a warrant in making an arrest should read it if requested so to do,... Where a warrant is necessary but the person making the arrest refuses to exhibit it when called upon to do so ...he may forfeit the protection which it otherwise would afford him."; 40 A.L.R., Annotated, p. 66, which States: "The weight of authority now, however, seems to support the proposition that an officer making an arrest under a warrant should show the warrant, if requested to do so, and in some jurisdictions he is expressly required by statute to do so."]

124. PROOF OF CLAIM, any statute; validly enacted or otherwise, requiring the warrant to be shown upon arrest; and specifically within, the United States Code, Federal Rules of Civil Procedure and Supplementary Rules of Admiralty, and the Federal Rules of Criminal Procedure, is not but declaratory of the "due process of law" procedure(s) that must be followed in an arrest; and, therefore a statute requiring a warrant to be shown upon arrest is needed; and, where such a statute exists, it is not merely redundant in nature.

125. PROOF OF CLAIM, the reason for the duty of the arresting officer executing a warrant of arrest to explain the cause, for which the warrant issued, to the party arrested is not to State the nature and substance of the process which gives the arresting officer the authority which he professes to exercise; and, if it is demanded of the arresting officer, to produce and exhibit it to the arrested party for his perusal that he may have no excuse for resistance. [See: Commonwealth v. Cooley, 6 Gray 350 (1856); Shovlin v. Commonwealth, 106 Pa. 369, 5 Am.Cr.Rep. 41 (1884), which States: "It is doubtless the duty of an officer who executes a warrant of arrest to State the nature and substance of the process which gives him the authority he professes to exercise, and, if it is demanded, to exhibit his warrant, that the party arrested may have no excuse for resistance."]

126. PROOF OF CLAIM, a prima facie invalid warrant will not and is not regarded as any warrant and an officer attempting to execute an arrest there under of the party named therein is protected by it. [See: 70 Am.Jur.2d, Sheriffs, Police, and Constables, § 165, pp. 353-354, which States: "Process that is void on its face is no protection to the officer who executes it. If a warrant, order, or writ of possession shows lack of jurisdiction of the court, the officer is not protected in serving it. In fact, in so doing he becomes a trespasser."; Lawyers Reports Annotated, vol. 51, p. 197, citing: Poulk v. Slocum, 3 Black (Ind.) 421]

127. PROOF OF CLAIM, both a proper subject-matter jurisdiction and geographical jurisdiction are not necessary and essential for a valid warrant.

128. PROOF OF CLAIM, the question of jurisdiction cannot be raised at any time; and, consent and or waiver can confer or grant jurisdiction; and, a court; and specifically the alleged court of record within the above referenced Criminal Case/Cause, does have any authority to proceed where it appears from the record that it has no authority due to an insufficient warrant of arrest. [See: 5 Am.Jur.2d, Arrest, § 7, p. 7001

129. PROOF OF CLAIM, whenever a warrant of arrest is invalid on it face, or where it is only a summons, the arresting officer, or officer attempting to execute service thereof, upon the party named therein, said officer is not

liable for damages. [See: 51 L.R.A. 197, citing: Frazier v. Turner, 76 Wis. 562, 45 N.W. 411; Carratt v. Morley, 1 Q.B. 18, 1 Gale & Dav. 45]

130. PROOF OF CLAIM, the requirements of what a warrant of arrest should contain does not depend primarily on constitutional mandates and common-law principles.

131. PROOF OF CLAIM, the common-law does not require that a warrant of arrest be issued for an arrest only after a formal charge is made under oath; and, an arrest is valid if not based upon a sworn affidavit. [See: Liberis v. Harper, 89 Fla. 477, 104 So. 853, 855, which States: "An affidavit that does not appear to have been sworn before any judicial officer, and a warrant signed only by the officer who made the arrest and not dated or authenticated, afford no lawful authority for the arrest and detention of an accused."; cf. 5 Am.Jur.2d, Arrest, § 12, p. 705]

132. PROOF OF CLAIM, a warrant of arrest does not require the individual review of a neutral judicial officer; i.e., magistrate, justice of the peace, or judge who is learned in the law and qualified to determine if probable cause exists to issue said warrant; and, does not require the signature of said judicial officer, which can be "rubber stamped" with the judicial officer's name by some clerk or administrative employee; and, such a practice of "rubber stamping" the judicial officer's name does constitute signature of said officer; and, is not thereby; and therein, VOID and invalid. [See: State v. Paulick, 277 Minn. 140, 151 N.W.2d 591, 596 (1967), which States: "The United States Supreme Court has considered and disposed of a related problem in Camara v. Municipal Court, 387 U.S. 523, 541... The majority in Camara nevertheless stressed the need for 'individual review' by a 'neutral magistrate' to avoid the issuance of 'rubber stamp warrants.'; Cox v. Perkins, 107 S.E. 863, 865 (Ga. 1921)]

133. PROOF OF CLAIM, a warrant is not regarded as insufficient and thus VOID if; on its face, it fails to State facts sufficient to constitute a crime. [See: Wharton's Criminal Procedure, 12th Ed., vol. I, § 54, p. 152 (1974), citing: Go-Bart Imp. Co. v. United States. 282 U.S. 344, 355 (1930); Ex parte Burford, 7 U.S. 448, 451 (1806); Smith v. Clark, 37 U. 116, 106 P. 653 (1910)]

134. PROOF OF CLAIM, a designation or description of the offense should not be written in the warrant. [See: Delk v. Commonwealth, 166 Ky. 39, 178 S.W. 1129 (1915); Moser v. Fulk, 237 N.C. 302, 74 S.E.2d 729 (1953); 2 R.C.L., Arrest, § 17, p. 460, citing: Brown v. Hadwin, 182 Mich. 491, 148 N.W. 693 (1914), wherein the rule on sufficiency of a charge on which a warrant can issue is Stated as follows: "The complaint or charge on which a warrant is issued must set forth the facts constituting the offense on the knowledge of the person making the complaint, and if he does not know them other witnesses must be examined who do know them; and no person can be arrested on the mere belief of the person making the complaint."]

135. PROOF OF CLAIM, whereas inaccuracies and imperfections do not vitiate a warrant which substantially charges an offense; a complaint, recited in substance in a warrant and which is verified merely on information and belief and does not thereby; and therein, State facts sufficient to constitute an offense, said warrant must not be held to be invalid on its face. [See: 5 Am.Jur.2d, Arrest, § 8, p. 702]

136. PROOF OF CLAIM, an affidavit that merely States belief in the guilt of the accused is not insufficient to support a warrant of arrest. [See: Giordenello v. United States, 357 U.S. 480, 78 S.Ct. 1245 (1957); The State v. Gleason, 32 Kan. 245, 251 (1884), which States: "If a warrant, in the first instance, may issue upon mere hearsay or belief, than all the guards of the common law and the bill of rights, to protect the liberty and property of the citizen against arbitrary power, are swept away."]

137. PROOF OF CLAIM, an affidavit which is based upon a presumption or belief of crime does give jurisdiction to the court; and specifically as this matter relates to and bears upon such affidavit and the alleged court of record within the above referenced alleged Criminal Case/Cause, to issue a warrant; and, a law enforcement officer; however termed/styled, can execute a warrant; which is essentially local, outside their jurisdiction. [See: 61 A.L.R., Annotated, pp. 377-379; Housh v. People, 75 Ill. 487 (1897)]

138. PROOF OF CLAIM, the officer(s) executing a warrant of arrest is not bound to know if under the law; the warrant is defective, and not fair on its face; and, he is not liable as a trespasser if it does not appear on its face to be a lawful warrant; and, said officer's(s') ignorance is an excuse. [See: Tiedeman, Limitations of Police Power, p. 83, citing: Grumon v. Raymond, 1 Conn. 39; Clayton v. Scott, 45 Vt. 386]

139. PROOF OF CLAIM, the following are not the basic requisites and essentials needed to make a warrant of arrest valid: 1) A warrant is to be issued by a judicial officer and signed by him; 2) It must State the facts that show the matter to be within the jurisdiction of the judicial officer issuing it; 3) It cannot be based upon mere belief or suspicion, but upon probable cause; 4) The warrant is to list a complaint which is to State the offenses committed and the facts that constitute a crime; 5) A warrant is to contain an affidavit of the person making the charge under oath; and, 6) It must truly name the, ***a Private Citizen,*** to be arrested, or describe him sufficiently to identity him.

140. PROOF OF CLAIM, in commercial law, any document or instrument; e.g., inter alia, legal briefs, securities, promissory notes, contracts, and affidavits must contain seven (7) essential elements to be valid; and, any of these seven (7) essential elements which are missing, does not render the document or instrument commercially defective, void, or expressly fraudulent.

141. PROOF OF CLAIM, these seven (7) essential elements as applied to an affidavit in support of a warrant of arrest; or a charging document/instrument, are not: 1) Accurate identification of the parties to the document or instrument or dispute; 2) Nature and content of the allegations or claims set-forth with particularity; 3) Ledgering - accounting of the remedy or relief sought as recompense or compensation for specific wrongs or contractual violations or defaults; 4) Evidence of solvency - identification of the property sought/pledged as the stakes over which the dispute occurs, to be forfeited to the prevailing party to pay the debt/damage and satisfy the judgment; 5) Facts and law - specific laws violated and facts in evidence by exhibit; 6) Certification - Statement under oath by party asserting an allegation or claim that everything asserted is "true, correct, and complete," whether criminal or civil; and, 7) Witnesses - third party certification substantiating the actual lawful/legal identity of the party executing the document or instrument.

142. PROOF OF CLAIM, the 4th Amendment to the Constitution for the United States of America does not apply to arrests made and executed under warrants of arrest; and, does not govern and regulate how such warrants are to issue; and, does not make the issuance of such warrants to be solely upon "probable cause" supported by Oath or affirmation absolutely mandatory and essential for said warrant of arrest to be valid, lawful, and in compliance with "due process of law" or "the law of the land"; i.e., common-law rules and principles established and present in this land; before the adoption of said Constitution, as practice and administered in England prior to the immigration of The People to this land. [See: 1 A.L.R., Annotated, 586; 5 Am.Jur.2d, Arrest, § 2, p. 697]

143. PROOF OF CLAIM, where an arrest is made and executed without a warrant of arrest; which is recognized and authorized by the common-law only for a select and specific class of offenses, and therefore outside the provisions of the 4th Amendment to the Constitution for the United States of America, the standards of "due process of law" or "the law of the land"; i.e., common-law rules and principles, must not be applied to said arrest; and, failure to apply said rules and principles to said arrest would not and does not constitute and establish said arrest as a "False Arrest," and therefore VOID.

144. PROOF OF CLAIM, whereas the Undersigned has never seen the original, nor been presented with a copy; "certified" or otherwise, of the warrant of arrest, and the affidavit in support thereof, employed/used within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** by the arresting officer(s), and therefore has no reason to believe a valid, lawful, and properly supported warrant of arrest which truly names/identifies/references the Undersigned exists, that such a warrant of arrest for the Undersigned does exist; and, is signed/authenticated by a judicial officer; and, does allege/charge a violation(s) of validly enacted statute(s)/law(s); and, therefore does establish/create a crime/offense within the jurisdiction of the judicial officer signatory thereon; and, does create subject-matter jurisdiction for the alleged court of record within the above referenced alleged Criminal Case/Cause; and, the affidavit in support thereof does comply with ALL seven (7) points of a seven (7) point document/instrument; and, any signature of a judicial officer appearing upon the face of the warrant of arrest is/was; at the time of affixing his signature thereon; and thereto, validly and lawfully holding his office, having perfected title thereto, and thereby lawfully in possession and use of the "plenary powers" resident therein; and, containing ALL additional requisites and essentials as set-forth above within Proof of Claim No. 139; and, in ALL areas is in accordance with and pursuant to rules and principles as established and ordained by the "due process of law" or "the law of the land."

145. PROOF OF CLAIM, without a valid and lawful warrant of arrest being in existence for the Undersigned within the above referenced alleged Criminal Case/Cause, a defense against the claim of "False Arrest" and "False Imprisonment" does exist for the Respondent(s).

146. PROOF OF CLAIM, the law does not set such a high value upon the liberty of, ***a Private Citizen,*** that even an attempt to un-lawfully arrest said, ***a Private Citizen,*** is not esteemed a great provocation. [See: Giddens v. State, 154 Ga. 54, 113 S.E. 386, 388 (1922)]

147. PROOF OF CLAIM, an arrest may not be made either with or without any physical force or touching of the arrested, ***a Private Citizen,*** by the arresting officer. [See: McAleer v. Good, 216 Pa. 473, 63 A. 934, 935 (1907)]

148. PROOF OF CLAIM, any un-lawful or illegal restraint of a man or woman's personal liberty by the act of another; and specifically as this relates to and bears upon the arresting officer(s) within the above referenced alleged Criminal Case/Cause, does not give the, ***a Private Citizen,*** so restrained a cause of action and claim for false arrest and false imprisonment resulting therefrom against the one causing the un-lawful or illegal restraint; and, ANY restraint executed by fear or force is not prima facie un-lawful.

149. PROOF OF CLAIM, in ALL cases of arrest in which there is no physical touching or seizure, NOR any resistance, the intentions of the parties to the transaction are not to be considered; i.e., there must have been intent on the part of one of them to arrest or restrain the other, and intent on the part of such other to submit, under the belief and impression that submission was necessary. [See: Johnson v. Norfolk & W. Ry. Co., 82 W.Va. 692, 97 S.E. 189, 191 (1918)]

150. PROOF OF CLAIM, any restraint; however, slight, upon a man or woman's liberty to come and go as he pleases does not constitute an arrest. [See: Turney v. Rhodes, 42 Ga.App. 104, 155 SE. 112 (1930), which States: "Any restraint, however slight, upon another's liberty to come and go as he pleases, constitutes an arrest."]

151. PROOF OF CLAIM, when, ***a Private Citizen,*** has shown that he was arrested, imprisoned, or restrained of his liberty by another, the law does not presume it to be un-lawful till proven otherwise. [See: People v. McGrew, 77 Cal. 570, 20 P. 92 (1888); Knight v. Baker, 117 Ore. 492, 244 P. 543, 544 (1926)]

152. PROOF OF CLAIM, in a claim of false arrest and false imprisonment "good faith" on the part of the arresting/restraining officer(s)/person(s) is a justification for the detention or imprisonment; and, a lack/want of "reasonable" or "probable cause," and "malice" are essential elements of the action/claim; and, are therefore viable and acceptable defenses against said action/claim. [See: Sergeant v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 92, 93 (1952), citing: Maxwell v. Maxwell, 189 Ia. 7, 177 N.W. 541 (1920), which States: "False Imprisonment is the unlawful restraint of an individual's personal liberty or freedom of locomotion... The good faith of the actor is not justification, nor is the want of probable cause an essential element, as in the case of malicious prosecution."; Bean v. Best, 77 S.D. 433, 93 N.W.2d 403 (1958); Carter v. Casey, 153 S.W.2d 744, 746 (Mo. 1941), which States: "It is well settled law the want of reasonable or probable cause and the want of malice are elements not entering into the action of false imprisonment in so far as actual damages are concerned."; Daniels v. Milstead, 221 Ala. 353, 128 So. 447, 448 (1930), which States: "In false imprisonment, the essence of the tort is that the plaintiff is forcibly deprived of his liberty, and the good intent of the defendant, or the fact that he had probable cause for believing that an offense was committed, and acted in good faith will not justify or excuse the trespass."; cf. De Armond v. Saunders, 243 Ala. 263, 9 So.2d 747, 751 (1942); Holland v. Lutz, 194 Kan. 712, 401 P.2d 1015, 1019 (1965), which States: "The motive with which a restraint of liberty is accomplished, be it evil or good, is irrelevant to the question of whether or not an unlawful arrest has been established. The existence of actual malice is of consequence only as it may afford the basis for punitive damages. In Garnier v. Squires, 62 Kan. 321, 62 P. 1005, the court said: 'As will be seen, malice and willfulness are not essential elements of false imprisonment; and motives of the defendant, whatever they may have been, are not material to the case.'"; Maha v. Adam, 144 Md. 335, 124 A. 901, 905 (1924), which States: "In false imprisonment suits, ...the essence of the tort consists in depriving the plaintiff of his liberty without lawful justification, and the good or evil intention of the defendant does not excuse or create the tort. 11 R.C.L. 791 ...Any deprivation by one person of the liberty of another without his consent, constitutes an imprisonment, and if this is done unlawfully, it is false imprisonment, without regard to whether it is done with of without probable cause."; Ehrhardt v. Wells Fargo & Co., 134 Minn. 58, 158 N.W. 721,

722 (1916); Swafford v. Vermillion, 261 P.2d 187 (Okl. 1953); 35 C.J.S., False Imprisonment, §7, p. 631; 32 Am.Jur., False Imprisonment, §§6, 7, p. 64, §114, p. 178; Hostettler v. Carter, 175 P. 244, 246 (Okl. 1918); Markey v. Griffin, 109 Ill.App. 212 (1903); Southern Ry. Co. in Kentucky v. Shirley, 121 Ky. 863, 90 SW. 597, 599 (1906), which States: "In Starkie's Evid. 1112, it is said: 'No proof of malice or want of probable cause is necessary to make a case for false imprisonment.'"]

153. PROOF OF CLAIM, where an un-lawful arrest and imprisonment are claimed to have been for the "public good," such a defense will stop damages. [See: Carter v. Casey, 153 S.W.2d 744, 746 (Mo. 1941) (numerous cases cited); Ehrhardt v. Wells Fargo & Co., 134 Minn. 58, 158 N.W. 721, 722 (1916); Swafford v. Vermillian, 261 P.2d 187 (Okl. 1953); 35 C.J.S., False Imprisonment, § 7, p. 631; 32 Am.Jur., False Imprisonment, §§ 6, 7, p. 64, § 114, p. 178; Hostettler v. Carter, 175 p. 244, 246 (Okl. 1918)]

154. PROOF OF CLAIM, a belief in the guilt of a man or woman; no matter how strong or well founded in the mind of an arresting officer(s)/person(s), is a justification against a claim of false arrest and false imprisonment. [See: Markey v. Griffin, 109 Ill.App. 212 (1903), which States: "In an action for trespass and false imprisonment, probable cause and the absence of malice constitute no defense... In this form of action belief in the guilt of the party arrested, no matter how strong or well founded in the mind of the officer or person making the arrest, will not justify the deprivation of another of his liberty; and it is unimportant whether the circumstances would lead a reasonable or prudent person to believe that the accused was actually guilty."]

155. PROOF OF CLAIM, a man or woman's liberty does depend upon good faith merely, but not upon legal rules governing official action. [See: Hill v. Wyrosdick, 216 Ala. 235, 113 So. 49, 50 (1927)]

156. PROOF OF CLAIM, in claims/actions of false arrest and false imprisonment, the arresting officer(s)/person(s) cannot avoid liability only by pleading justification for the arrest and all other arguments must not necessarily fail. [See: Kraft v. Montgomery Ward & Co., 348 P.2d 239, 243 (Ore. 1959)]

157. PROOF OF CLAIM, the guilt of, ***a Private Citizen,*** arrested does have any bearing upon the legality of the arrest. [See: Sergeant v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 92, 93 (1952), citing: Neves v. Costa, 5 Cal.App. 111, 89 P. 860 (1907); Halliburton - Abbott Co. v. Hodge, 44 P.2d 122, 125 (Okl. 1935), which States: "The guilt of the plaintiff is not material."; Michigan Law Review, vol. 31, April, 1933, p. 750 (numerous cases cited), which States: "An arrest is unlawful, even though the arrestee be guilty of a felony, if the officer had not reasonable ground to believe him guilty. Thus, neither the guilt nor innocence of the person arrested has anything to do with the legality of the arrest; Riegel v. Hygrade Seed Co., 47 F.Supp. 290, 293 (1942), wherein it was held that the termination of a prior proceeding in favor of the one deprived of his liberty is not material to his suit; cf. Thompson v. Farmer's Exchange Bank, 62 S.W.2d 803, 810 (Mo. 1933); 25 A.L.R., annotations, p. 1518]

158. PROOF OF CLAIM, even where, ***a Private Citizen,*** has pleaded guilty, the arresting officer(s)/person(s) cannot still be liable for false arrest, and therefore, it has not been held that consent to an un-lawful arrest will not excuse an officer(s)/person(s) from his acts, nor will the law permit such a claim to be made. [See: Hotzel v. Simmons, 258 W. 234, 45 N.W.2d 683, 687 (1951); Anderson v. Foster, 73 Ida. 340, 252 P.2d 199, 202 (1953); Meints v. Huntington, 276 Fed. 245, 250 (1921), which States: "We are of opinion that the law does not permit the citizen to consent to unlawful restraint, nor permit such a claim to be made upon the part of the defendants. In Wharton on Criminal Law, vol. 1, § 751e, it is said: 'No, ***a Private Citizen,*** has a right to take away another's liberty, even though with consent, except by process of law. And the reason is, that liberty is an unalienable prerogative of which no, ***a Private Citizen,*** can divest himself, and of which any divestiture is null.'"]

159. PROOF OF CLAIM, a false; or un-lawful, arrest is not in and of itself an assault, or an assault and battery, trespass, or a graver offense; and the law does not regard such arrests as any other assault which may be resisted by the assaulted; and, the officer(s)/person(s) making the arrest is not regarded as a personal trespasser. [See: Town of Blacksburg v. Bean, 104 S.C. 146, 88 S.E. 441 (1916), which States: "Common as the event may be, it is a serious thing to arrest a citizen, and it is a more serious thing to search his person; and he who accomplishes it, must do so in conformity to the laws of the land. There are two reasons for this; one to avoid bloodshed, and the other to preserve the liberty of the citizen. Obedience to law is the bond of society, and the officers set to enforce the law are not exempt from its mandates."; 6A C.J.S., Arrest, § 16, p. 30, which States: "A sheriff who acts without process, or

under a process void on its face, in doing such act, he is not to be considered an officer but a personal trespasser."; Roberts v. Dean, 187 So. 571, 575 (Fla. 1939); Allen v. State, 197 N.W. 808, 810-811 (Wis. 1924); Graham v. State, 143 Ga. 440, 85 SE. 328, 331 (1915), which States: "A citizen arrested has a right to resist force in proportion to that being used to detain him. An unlawful arrest is an assault and battery or a graver offense."; State v. Robinson, 145 Me. 77, 72 A.2d 260, 262 (1950), which States: "An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would in repelling any other assault and battery."; State v. Gum, 68 W.Va. 105, 69 S.E. 463, 464 (1910), which States: "What rights then has a citizen in resisting an unlawful arrest? An arrest without warrant is a trespass, an unlawful assault upon the person, and how far one thus unlawfully assaulted may go in resistance is to be determined, as in other cases of assault. Life and liberty are regarded as standing substantially on one foundation: life being useless without liberty. And the authorities are uniform that where one is about to be unlawfully deprived of his liberty he may resist the aggressions of the offender, whether of a private citizen or a public officer, to the extent of taking the life of the assailant, if that be necessary to preserve his own life, or prevent infliction upon him of some great bodily harm."; State v. Mobley, 240 N.C. 476, 83 S.E.2d 100, 102 (1954) (authorities cited therein), which States: "The offense of resisting arrest, both at common law and under statute, presupposes a lawful arrest. It is axiomatic that every person has the right to resist an unlawful arrest. In such case, the person attempting the arrest stands in the position of wrongdoer and may be resisted by the use of force, as in self-defense."; Wilkinson v. State, 143 Miss. 324, 108 So. 711, 712-713 (1926)]

160. PROOF OF CLAIM, ***a Private Citizen,*** cannot resist the un-lawful seizure of personal property sought or forcefully taken without warrant; i.e., a warrant outside and foreign to the "law of the land" or "due process of law" without nexus (relationship) thereto; contractually or otherwise, or a warrant invalid on its face and not in compliance with requirements and prohibitions of the 4th Amendment to the Constitution for the United States of America; and, such personal property does not include; inter alia, fingerprints, photographic images of the man or woman, bodily fluids, D.N.A., R.N.A., exemplars, and the like. [See: City of Columbus v. Holmes, 152 N.E.2d 301, 306 (Ohio App. 1958), which States: "What of the resistance to arrest? The authorities are in agreement that since the right of personal property is one of the fundamental rights guaranteed by the Constitution, any unlawful interference with it may be resisted and every person has a right to resist an unlawful arrest."]

161. PROOF OF CLAIM, the law that allows, ***a Private Citizen,*** to resist an un-lawful arrest is not the same law that allows, ***a Private Citizen,*** to repel an attack or assault upon his self; and, said law is not the Law of self-defense and self-preservation, which is a man or woman's unalienable Right to in the protection of his life, liberty, and property from un-lawful attack or harm; and, such Right is not recognized and secured by the Constitution of the United States/UNITED STATES. [See: Constitution of/for the United States of America (1789, as amended 1791) Preamble; articles in amendment I, II, IV, V, VI, IX, and X] [...in pari materia to all other State constitutions.]

162. PROOF OF CLAIM, the Supreme Court of the United States and every other court in the past deciding upon the matter, has not recognized that at common-law, ***a Private Citizen,*** had the right to resist the illegal attempt to arrest him; and, it has not been held that, ***a Private Citizen,*** can resist any arrest where he has reasonable grounds to believe that the officer(s)/person(s) is not acting in good faith and that by submitting to arrest and being disarmed he will, by reason of this fact, be in danger of great bodily harm or of losing his life. [See: John Bad Elk v. United States, 177 U.S. 529, 534-535 (1899); Caperton v. Commonwealth, 189 Ky. 652, 655, 225 S.W. 481, 483 (1920)]

163. PROOF OF CLAIM, the common-law or law of the land, does not draw certain limitations upon how and when an arrest can be made; and, that all arrests which are to be lawful must not necessarily be grounded in and upon such principles; and, one such principle is not that an arrest must be founded upon probable cause of guilt and not mere suspicion, for the two must exist together. [See: People v. Bart, 51 Mich. 199, 202, 16 N.W. 378 (1883), which States: "No one, whether private or officer, has any right to make an arrest without warrant in the absence of actual belief, based on actual facts creating probable cause of guilt. Suspicion without cause can never be an excuse for such action. The two must both exist, and be reasonably well founded."]

164. PROOF OF CLAIM, the word "suspicion" as used and employed within "Codes" and "Statutes" today; and specifically within the United States Code, is not so used and employed to authorize arrests which the common-law or "the law of the land" prohibits, and upon defeat of said cause, to justify arrest for yet some other non-related

cause from the first; in short, justification to conduct a mere "hunting expedition" with the hope of "bagging" some "prize." [See: Snead v. Bonnoil, 63 N.Y.Supp. 553, 555, 97 N.Y.St.Rep. (1900), which States: "[An officer] cannot arrest, ***a Private Citizen,*** for one cause, and when that cause is exploded [defeated] justify for another. Such a doctrine would be incentive to the loosest practices on the part of police officers, and a dangerous extension of their sufficiently great powers. They cannot arrest without an apparent or disclosed cause, to be justified thereafter by whatever may turn up... You cannot arrest, ***a Private Citizen,*** merely because, if all were known, he would be arrestable. You must arrest him for some specified cause, and you must justify for that cause."]

165. PROOF OF CLAIM, the wisdom of the ages, which brought the law on arrests, was not and is not boldly declared in the Magna Carta which States: "No one shall be arrested or imprisoned but by the law of the land."

166. PROOF OF CLAIM, the Undersigned; as well as any, ***a Private Citizen,*** today, was arrested upon and under a warrant of arrest in accordance with and pursuant to rules and principles established and ordained within, under, and by "the law of the land."

167. PROOF OF CLAIM, the restrictive principles of common-law; which though annoying to those in Government in their attempts to get the "crooks" and "bad guys," are not purposely so in order to restrict those in Government and make them follow set procedures, and thereby, make it difficult for those in Government to deprive men of their Rights, as the common-law or "law of the land" prescribes that in order to safeguard the rights of the innocent, the guilty must on occasion go free. [See: Henry v. United States, 361 U.S. 98, 104 (1959), which States: "It is better, so the Fourth Amendment teaches, that the guilty sometimes go free than that citizens be subject to easy arrest."; NOTE: Sir William Blackstone Stated: "It is better that ten guilty persons escape than one innocent suffer."; Sarah Way's Case, 41 Mich. 299, 305, 1 N.W. 1021 (1879), which States: "Official illegality is quite as reprehensible as private violations of the law. The law of the land must be accepted by every one as the only rule which can be allowed to govern the liberties of citizens, whatever may be their ill desert."]

168. PROOF OF CLAIM, whereas the common-law recognizes and authorizes arrests without warrants only in cases where the public security requires it, such interests are not confined only to felonies and breaches of the peace committed in the presence of an officer. [See: Radloff v. National Food Stores, Inc., 20 Wis.2d 224, 121 N.W.2d 865, 867, which States: "In Stittgen v. Rundell, (1898), 99 Wis. 78, 80, 74 N.W. 536, this court established the principle that 'An arrest without a warrant has never been lawful except in those cases where the public security requires it; and this has only been recognized in felony, and in breaches of the peace committed in the presence of the officer.'" NOTE: This rule was reaffirmed in Gunderson v. Stuebing, 125 Wis. 173, 104 N.W. 149 (1905); A.L.R., Annotated, 585; Ex parte Rhodes, 202 Ala. 68, 79 So. 462, 464 (1918); State v. Mobley, 204 N.C. 476, 83 S.E.2d 100, 102 (1954), which States: "It has always been the general rule of the common law that ordinarily an arrest should not be made without warrant and that, subject to well-defined exceptions, an arrest without warrant is deemed unlawful. 4 Bl.Comm. 289 et seq.; 6 C.J.S., Arrest, § 5, p. 579. This foundational principle of the common law, designed and intended to protect the people against the abuses of arbitrary arrests, is of ancient origin. It derives from assurances of Magna Carta and harmonizes with the spirit of our constitutional precepts that the people should be secure in their persons. Nevertheless, to the general rule that no, ***a Private Citizen,*** should be taken into custody of the law without the sanction of a warrant or other judicial authority, the process of the early English common law, in deference to the requirements of public security, worked out a number of exceptions. These exceptions related in main to cases involving felonies and suspected felonies and to breaches of the peace." (Authorities cited)]

169. PROOF OF CLAIM, that it is not a fundamental rule of procedure well grounded in the common-law, that where an arrest is made, the alleged offender is to be taken before a magistrate to be dealt with according to law. [See: Muscoe v. Commonwealth, 86 Va. 443, 447, 10 S.E. 534, 535 (1890)]

170. PROOF OF CLAIM, whereas an offender is to be taken before a magistrate to be dealt with according to law upon arrest, such fundamental rule of procedure is not to be observed without delay, or without unnecessary delay, and the failure in the observance of said procedural rule does not render the arresting officer(s) person(s) liable for false imprisonment. [See: 4 Bl.Comm., ch. 21, p. 292, which States: "A constable may, without warrant arrest any one for a breach of the peace committed in his view, and carry him before a justice of the peace."; Mullins v. Sanders, 189 Va. 624, 54 S.E.2d 116, 120 (1949), citing: 22 Am.Jur., False Imprisonment, §26, p. 366, which States:

"It is the duty of an officer or other person making an arrest to take the prisoner before a magistrate with reasonable diligence and without unnecessary delay; and the rule is well settled that whether the arrest is made with or without a warrant, an action for false imprisonment may be predicated upon an unreasonable delay in taking the person arrested before a magistrate regardless of the lawfulness of the arrest in the first instance."; 35 C.J.S., False Imprisonment, §§30-31, pp. 545-547; Peckham v. Warner Bros. Pictures, 36 Cal.App.2d 214, 97 P.2d 472, 474 (1930); Oxford v. Berry, 204 Mich. 197, 170 N.W. 83, 83 (1918)]

171. PROOF OF CLAIM, where an arrest is lawful, a failure on the part of the arresting officer(s)/person(s) in observing their duty to take the arrested, ***a Private Citizen,*** before a magistrate and to do so without delay or unnecessary delay, will not be regarded as false imprisonment. [See: Kleidon v. Glascock, 215 Minn. 417, 10 N.W.2d 394, 397 (1943), which States: "Even though an arrest be lawful, a detention of the prisoner for an unreasonable time without taking him before a committing magistrate will constitute false imprisonment."; Orick v. State, 140 Miss. 184, 105 So. 465, 470 (1925), citing: Kurtz v. Moffitt, 115 U.S. 487, 499 (1885), wherein it was Stated by the court: "By the common law of England" an "arrest without warrant for a felony" can be made "only for the purpose of bringing the offender before a civil magistrate."]

172. PROOF OF CLAIM, this fundamental procedural rule of taking, ***a Private Citizen,*** upon arrest before a magistrate without delay, or unnecessary delay, is not the "due process of law" or "the law of the land" to be followed; and, a false imprisonment does not ensue from the arresting officer(s) or person(s) dropping off said, ***a Private Citizen,*** to a jail for detention therein, as said officer(s)/person(s) are so authorized to act in such the land." [See: Garnier v. Squires, 62 Kan. 321, 62 P. 1005, 1007 (1900), which States: "The law contemplates that an arrest either by an officer or a private person with or without warrant is a step in a public prosecution, and must be made with a view of taking the person before a magistrate or judicial tribunal for examination or trial; and an officer, even, subjects himself to liability if there is an unreasonable delay after an arrest in presenting the person for examination or trial."]

173. PROOF OF CLAIM, the only reason that can justify having an arrested, ***a Private Citizen,*** in jail or detained by the arresting officer(s)/person(s) is not as a necessary step in bringing the, ***a Private Citizen,*** before a magistrate and therefore the detainment of said, ***a Private Citizen,*** in a jail, police office, station, barracks, and the like for purposes of "booking," "finger printing," "investigating," "interrogation," and the like is not un-lawful and illegal. [See: Kominsky v. Durand, 64 R.I. 387, 12 A.2d 652, 655 (1940), which States: "When an officer makes an arrest, without warrant, it is his duty to take the person arrested, without unnecessary delay, before a magistrate or other proper judicial officer having jurisdiction, in order that he may be examined and held or dealt with as the case requires. But to detain the person arrested in custody for any purpose other than that of taking him before a magistrate is illegal."; State v. Freemen, 86 N.C. 683, 685-686 (1882), which States: "[T]he question occurs, what is the officer to do with the offender when he shall have been arrested without warrant. All the authorities agree that he should be carried, as soon as conveniently may be, before some justice of the peace." NOTE: Though this case involved an arrest without warrant, the court Stated it is the duty of the arresting officer upon making an arrest, "whether with a warrant or without one," to carry the offender at once before a justice.]

174. PROOF OF CLAIM, even in matters involving the most severe/serious of offenses as in felonies, the arresting officer(s)/person(s) is not still duty bound/required to bring, ***a Private Citizen,*** placed under arrest before the nearest magistrate or court as a matter of fundamental law without delay or unnecessary delay; and, said arresting officer(s)/person(s) is not liable for false imprisonment if he arrests with the intent of only detaining, or if his unreasonable delay causes a detainment, thereby failing and/or grossly neglecting his duty and observance thereof. [See: Kirk v. Garrett, 84 Md. 383, 406-407, 35 A. 1089, 1091 (1896), which States: "From the earliest dawn of common law, a constable could arrest without warrant when he had reasonable grounds to suspect that a felony had been committed; and he was authorized to detain the suspected party such a reasonable length of time as would enable him to carry the accused before a magistrate. And this is still the law of the land." NOTE: on p. 1092, ibid., it States: "It cannot be questioned that, when a person is arrested, either with or without a warrant, it becomes the duty of the officer or the individual making the arrest to convey the prisoner in a reasonable time, and without unnecessary delay, before a magistrate, to be dealt with as the exigency of the case may require. The power to make the arrest does not include the power to unduly detain in custody; but, on the contrary, is coupled with a correlative duty, incumbent on the officer, to take the accused before a magistrate 'as soon as he reasonably can.' [Authorities

cited]. If the officer fails to do this, and unreasonably detains the accused in custody, he will be guilty of a false imprisonment, no matter how lawful the original arrest may have been.", (citing: 1 Hil. Torts, § 9, pp. 213-214)]

175. PROOF OF CLAIM, where, ***a Private Citizen,*** is arrested and taken to jail or police station or the like, and detained there with no warrant issued before or after the arrest, it is not false imprisonment. [See: Heath v. Boyd, 175 S.W.2d 214 217 (Tex. 1943); Bank v. Stimson, 108 Mass. 520 (1871)]

176. PROOF OF CLAIM, to take an arrested, ***a Private Citizen,*** to a jail, police station, or the like to be detained and finger printed, measured, photographed, booked, and the like before said, ***a Private Citizen,*** is ever brought before a magistrate is not a violation of his Rights; and, is not proof of the arresting officer(s)/person(s) intent not to observe his duty in this matter and his disregard of; and for, his duty incumbent upon him to fulfill and observe. [See: Walter H. Anderson, A Treatise on the Law of Sheriffs, Coroners, and Constables, vol. 1, §§ 179-180 (1941), which States: "It is the undoubted right on the part of a prisoner, on being arrested by a public officer or private citizen, and unquestionably a corresponding duty on the one making the arrest, to take the prisoner before a court or magistrate for a hearing or examination and this must be done without unnecessary delay. The object of this right and corresponding duty is that the prisoner may be examined, held, or dealt with as law directs and the facts of the case require… It is highly improper and an invasion of the lawful rights of the prisoner to take him to any other place than to a proper court or magistrate."]

177. PROOF OF CLAIM, an arrested man or woman's Right to be promptly taken to a judicial officer for hearing/examination, and the duty of the arresting officer(s)/person(s) to protect said Right does depend upon statute law of the United States as may be contained within the United States Code. [See: Winston v. Commonwealth, 188 Va. 386, 49 S.E.2d 611, 615 (1948), which States: "But even if the circumstances of the arrest were not within the purview of the particular statute, it was the duty of the arresting officer to have the defendant within a reasonable time, or without unnecessary delay, before a judicial officer in order that the latter might inquire into the matter and determine whether a warrant should be issued for the detention of the defendant, or whether he should be released."; NOTE: In speaking on what manner of arrests were lawful at common-law when an arrest is made, the Supreme Court of Rhode Island in Kominsky v. Durand, 64 RI. 387, 12 A.2d 652, 654 (1940) (authorities cited), Stated: "Coupled with the authority to arrest went an imperative obligation on the officer to bring the arrested person before a magistrate without delay. Especially was this true where the arrest had been made without a warrant… When an officer makes an arrest, without warrant, it is his duty to take the person arrested, without unnecessary delay, before a magistrate or other judicial officer having jurisdiction, in order that he may be examined and held or dealt with as the case requires; but to detain the person arrested in custody for any purpose other than that of taking him before a magistrate is illegal."]

178. PROOF OF CLAIM, this rule of law requiring an arresting officer(s)/person(s) to bring the arrested, ***a Private Citizen,*** before a magistrate, or judicial officer having jurisdiction, is not the same throughout all the States composing the American compact; and, can be abrogated by statute as may be contained within the United States Code; and, said rule has not been upheld within the federal courts; and, is not prescribed within said courts rules. [See: 18 U.S.C.A., Rules of Criminal Procedure, Rule 5, p. 28, which States: "An officer making an arrest under a warrant issued upon a complaint, or any person making an arrest without a warrant, shall take the arrested person without unnecessary delay before the nearest available federal magistrate, or in the event that a federal magistrate is not reasonably available, before a State or local officer authorized by 18 U.S.C. § 3041."; Greenwell v. United States, 336 F.2d 962, 965 (1964), wherein two F.B.I. agents assisted by two local policemen on an outstanding warrant for bank robbery arrested a man or woman, placed him in a police vehicle, drove a few blocks, parked on the street under a street lamp and began to interview the, ***a Private Citizen,*** wherein an alleged confession was obtained and the Federal Court of Appeals held the confession was inadmissible and reversed the conviction as the momentary parking of the police vehicle en route from the place of arrest was a detour from the path toward a prompt presentment before a magistrate, further stating: "The law requires an arresting officer to bring an accused before a magistrate as quickly as possible."]

179. PROOF OF CLAIM, the arresting officer(s)/person(s) is not guilty of official oppression and neglect of duty when they willfully detain a prisoner without arraigning him before a magistrate within a reasonable time. [See: People v. Mummiam, 258 N.Y. 394, 180 N.E. 94, 96 (1932); Peckahani v. Warner Bros. Pictures, 36 Cal.App.2d 214, 97 P.2d 472, 474 (1939); Kindred v. Stitt, 51 Ill. 401, 409 (1869), which States: "We are of opinion, the arrest

of the plaintiff was illegal, and the verdict contrary to law and the evidence. And if the arrest was legal, they did not proceed according to law, and take him before a magistrate for examination, but conveyed him to another country, and there imprisoned him in the county jail, in a filthy cell, thus invading one of the dearest and most sacred rights of the citizen, secured to him by the great character of our land."]

180. PROOF OF CLAIM, the rule of law requiring that an arrested, ***a Private Citizen,*** be brought without delay, or unnecessary delay, directly to a court or judicial officer having jurisdiction is not "due process of law" or "the law of the land" and as such, this procedural requirement can be abrogated by statute as may be contained with the United States Code. [See: Judson v. Reardon, 16 Minn. 387 (1871); Long v. The State, 12 Ga. 293, 318 (1852); Moses v. State, 6 Ga.App. 251, 64 S.E. 699 (1909; Hill v. Smith, 59 S.E. 475 (Va. 1907); Folson v. Piper, 192 Ia. 1056, 186 N.W. 28, 29 (1922); Edger v. Burke, 96 Md. 715, 54 A. 986, 988 (1903); Bryan v. Comstock, 220 S.W. 475]

181. PROOF OF CLAIM, it is not a fundamental rule of law that one who abuses an authority given him by Law does not become a trespasser ab initio; i.e., he becomes a wrongdoer from the beginning of his actions. [See: Leger v. Warren, 62 Ohio St. 500, 57 N.E. 506, 508 1900)]

182. PROOF OF CLAIM, where an arresting officer(s)/person(s) fails to take, ***a Private Citizen,*** he has arrested before a proper judicial officer, or where said officer(s)/person(s) causes an unreasonable delay in doing so, or having failed to procure/obtain a proper/valid warrant for the detention of the arrested man or woman, said officer(s)/person(s) does not become a trespasser ab initio; and, is not thereby guilty of false imprisonment; and, such failure or delay in his official duty does not render said arrest un-lawful. [See: Great American Indemnity Co. v. Beverly, 150 F.Supp. 134, 140 (1956); Thomas Cooley, A Treatise on the Law of Torts, vol. I, § 114, p. 374 (numerous authorities cited therein), which States: "An officer; who has lawfully arrested a prisoner, may be guilty of false imprisonment if he holds for an unreasonable length of time without presenting him for hearing or procuring a proper warrant for his detention."; Farina v. Saratogo Harness Racing Ass'n, 246 N.Y.S.2d 960, 961, which States: "...even though the arrest, when made, was legal and justified," the officers "became trespassers ab initio and so continued to the time of the plaintiff's release because of their failure to take him before a magistrate as required."; Sequin v. Myers, 108 N.Y.S.2d 28, 30 (1951); Bass v. State, 92 N.Y.S.2d 42, 46-47, 196 Miscel. 177 (1949), which States: "If there was an unnecessary delay [in arraigning the claimant before a Justice of the Peace], then the arrest itself became unlawful on the theory that the defendants were trespassers ab initio and so continued down to the time when the plaintiff was lawfully held under a warrant of commitment, regardless of whether or not the plaintiff was guilty of any crime. [Numerous cases cited]. In Pastor v. Regan, supra, it is said that: 'The rule laid down in the Six Carpenters' case, 8 Coke 146, that if, ***a Private Citizen,*** abuses an authority given him by the law he becomes a trespasser ab initio, has never been questioned."; Ulvestad v. Dolphin, et al., 152 Wash. 580, 278 p. 681, 684 (1929), which States: "Nor is a police officer authorized to confine a person indefinitely whom he lawfully arrested. It is his duty to take him before some court having jurisdiction of the offense and make a complaint against him.... Any undue delay is unlawful and wrongful, and renders the officer himself and all persons aiding and abetting therein wrongdoers from the beginning.]

183. PROOF OF CLAIM, the "office of the (President) Judge" is not charged with the administration and oversight of ALL proceedings, matters, cases, and the like within purview of the whole of the court; past and present, and is not therefore the "office of the Principal" of; and over, ALL the "offices of a the judge" acting in their capacity as agents of the principal; and, the same is not true for the "office of the United States Attorney" and "office of the Attorney General."

184. PROOF OF CLAIM, when an arresting officer(s)/person(s) fails to perform part of his duty and it impinges upon the Rights of a man or woman, he is not deemed to be a trespasser ab initio because the whole of his justification fails, and he stands as if he never had any authority at all to act. [See: Brock v. Stimson, 108 Mass. 520 (1871) (authorities cited); Hefler v. Hunt, 129 Me. 10, 112 A. 675, 676 (1921)]

185. PROOF OF CLAIM, the basis of this well-established procedural rule of law in taking an arrested, ***a Private Citizen,*** without delay, or without unnecessary delay, directly before a court or judicial officer having jurisdiction is not to avoid having the liberty of the arrested, ***a Private Citizen,*** unjustly dealt with by extra-judicial acts of executive officers; i.e., law enforcement officers and public officers however termed styled. [See: State v. Schabert,

15 N.W.2d 585, 588 (Minn. 1944), which States: "We believe that fundamental fairness to the accused requires that he should with reasonable promptness be taken before a magistrate in order to prevent the application of methods approaching what is commonly called the 'third degree.' 'Fundamental fairness' prohibits the secret inquisition in order to obtain evidence."]

186. PROOF OF CLAIM, arresting officers are not "executive officers."

187. PROOF OF CLAIM, the detainment of, ***a Private Citizen,*** upon arrest is not a judicial question; and; a judicial officer is not the sole authority to decide if there are grounds for holding the, ***a Private Citizen,*** arrested, or whether he must be further examined by trial, or if he is to be bailed and released; and, the taking of said, ***a Private Citizen,*** to a jail to be "booked" without first honoring this duty is not un-lawful; or, to detain said, ***a Private Citizen,*** to enable the arresting officer(s) to make a further investigation of the alleged/suspected offense against said, ***a Private Citizen,*** is not also un-lawful. [See: Keefe v. Hart, 213 Mass. 476, 100 N.E. 558, 559 (1913), which States: "But having so arrested him, it is their [the officer's] duty to take him before a magistrate, who could determine whether or not there was ground to hold him. It was not for the arresting officers to settle that question (authorities cited)... The arresting officer is in no sense his guardian, and can justify the arrest only by bringing the prisoner before the proper court, that either the prisoner may be liberated or that further proceedings may instituted against him."; Harness v. Steele, 64 N.E. 875, 878 (Ind. 1902), which States: "[T]he power of detaining a person arrested, restraining him of his liberty, is not a matter within the discretion of the officer making the arrest."; Stromberg v. Hansen, 177 Minn. 307, 325 N.W. 148, 149 (1929); Madsen v. Hutchinson, Sheriff, et al. 49 Ida. 358, 290 P. 208, 209 (1930) (numerous cases cited), which States: "The rule seems to be that an officer arresting a person on criminal process who omits to perform a duty required by law, such as taking the prisoner before a court, becomes liable for false imprisonment."; Simmons v. Vandyke, 138 Ind. 380, 37 N.E. 973, 974 (1894), citing: Ex parte Cubreth, 49 Cal. 436 (1875), which States: "We have no doubt that the exercise of the power of detention does not rest wholly with the officer making the arrest, and that he should, within a reasonable time, take the prisoner before a circuit, criminal, or other judicial court... In a case where the arrest is made under a warrant, the officer must take the prisoner, without unnecessary delay, before the magistrate issuing it, in order that the party may have a speedy examination if he desires it; and in the case of an arrest without warrant the duty is equally plain, and for the same reason, to take the arrested before some officer who can take such proof as may be afforded."; Pratt v. Hill, 16 Barb. 303, 307 (N.Y. 1853)]

188. PROOF OF CLAIM, "executive officers" or "clerks" are to determine if, ***a Private Citizen,*** under arrest is to be held or released upon bail; and, are to fix the amount of bail; and, such power to so determine is not judicial. [See: Bryant v. City of Bisbee, 28 Ariz. 278, 237 P. 380, 381 (1925); State v. Miller, 31 Tex. 564, 565 (1869) Winston v. Commonwealth, 188 Va. 386, 49 S.E.2d 611, 615 (1948), wherein an arresting officer delivered, ***a Private Citizen,*** to the jailer at 4:30 p.m., with the instruction that said, ***a Private Citizen,*** be held there until 9:00 p.m., at which time he was to be brought before the judicial officer. The Supreme Court of Virginia condemned this act asserting the officer usurped the functions of a judicial officer stating: "But the actions of the arresting officer and the jailer in denying the defendant this opportunity [to judicial review] by confronting him in the jail because they concluded that he was not in such condition to be admitted to bail, had the effect of substituting their discretion in the matter for that of the judicial officer. Under the circumstances here, the defendant was clearly entitled to the judgment upon the question of his eligibility for bail. This right was arbitrarily denied him."]

189. PROOF OF CLAIM, "executive officers"; i.e. arresting officers, having arrested, ***a Private Citizen,*** can hold said, ***a Private Citizen,*** in order to complete paperwork or make out reports. [See: Bowles v. Creason, et al., 156 Ore. 278, 66 P.2d 1183, 1188 (1937); Geldon v. Finnegan, et al., 213 Wis. 539, 252 N.W. 369, 372 (1934), which States: "If the plaintiff was being detained for the purpose of arrest it was the duty of the arresting officer to take him before an examining magistrate as soon as the nature of the circumstances would reasonably permit. The power to arrest does not confer upon the arresting officer the power to detain a prisoner for other purposes."]

190. PROOF OF CLAIM, "good faith" does justify an unreasonable detention and deprivation of one's liberty caused by a failure or delay in bringing one arrested before a magistrate. [See: 11 R.C.L., False Imprisonment § 15, pp. 801-802; Williams v. Zelzah Warehouse, 126 Cal.App. 28, 14 P.2d 177, 178 (1932)]

191. PROOF OF CLAIM, it is not a common practice for an arresting officer(s) to drop, ***a Private Citizen,*** they have arrested off at a police station, county jail, or the like and leave said, ***a Private Citizen,*** in the custody of others; and, such a practice does thereby; and therein, relinquish the duty of the arresting officer(s) to the arrested man or woman; and, said officer(s) can therefore claim exception of liability when the others to whom they dropped said, ***a Private Citizen,*** off into the custody of failed to fulfill the arresting officer's(s') duty and take said, ***a Private Citizen,*** without delay, or unnecessary delay, directly before a proper/valid judicial officer having jurisdiction, as the arresting officer(s) are not responsible for the arrested, ***a Private Citizen,*** and can rely on others to perform their duty. [See: Moran v. City of Berkley, 67 F.2d 161, 164 (1933), which States: "Orders from a superior do not excuse the arresting party from his duty [to bring the arrested party before a judicial officer], nor does delivery of the prisoner into the custody of another person; all those who take part in so detaining another person an unreasonable length of time are liable."; Leger v. Warren, 62 Ohio St. 500, 57 N.W. 506 (1900), which States: "The delivery of the plaintiff, after his arrest, into custody of another person, to be by him taken to prison, could not, we think, absolve the arresting officers from the duty required of them to obtain the writ necessary to legalize his further imprisonment... If the arresting officers chose to rely on some other person to perform that required duty, they take upon themselves the risk of its being performed; and, unless it is done in proper time, their liability to the person imprisoned is in no wise lessened or effected."]

192. PROOF OF CLAIM, whereas one of the most common defenses raised in actions/claims of false imprisonment involves arguments of whether the delay in bringing one to a court was reasonable or necessary, such does not depend upon the circumstances of the particular case and is not question for the jury. [See: Mullins v. Sanders, 189 Va. 624, 54 S.E.2d 116, 120 (1949); Brown v. Meir & Frank Co. 86 P.2d 79, 83 (Ore. 1939)]

193. PROOF OF CLAIM, the common-law procedural rule for "due process of the law" made "the law of the land" through express constitutional provision(s) is not that an arresting officer(s)/person(s) is to present the arrested, ***a Private Citizen,*** without delay to a magistrate, having jurisdiction, and said procedural rule of law does not mean no delay of time is allowed which is not incident to the act of bringing said, ***a Private Citizen,*** before a magistrate, and said common-law procedural rule of law does not nullify and void all present day statutory requirements of twenty-four (24) hours, thirty-six(36) hours, seventy-two(72) hours, or however many hours/calendar days said statute may stipulate as contained within the United States Code; which, by their very existence, does not constitute blatant acts of tyranny and declarations thereof.

194. PROOF OF CLAIM, ***a Private Citizen,*** who has been arrested and subjected to procedures known as "booking procedures" which include; inter alia, photographing, measuring, finger printing, and the like are lawful; and, are necessary to detect and arrest a man or woman; and, are necessary to prevent crime; and, is not criminal in character; and, do not constitute an assault; and, every-one concerned/participating therein is not liable civilly for damages arising from the injury to and upon said, ***a Private Citizen,*** subjected to said procedures, but also to criminal prosecution under the United States Code as operating upon and over ALL voluntary commercial indentures to the United States as agents of said Government. [See: Gow v. Bingham, 107 N.Y.Supp. 1011, 1014-1015, 1018, 57 Miscel. 66 (1908), which States: "To subject a citizen, never before accused, to such indignities, is certainly unnecessary in order to 'detect and arrest' him; for he must have been detected and arrested before he can be so dealt with. It is unnecessary to 'prevent crime,' for the acts for which indictment has been committed... The exercise of any such extreme police power as is here contended for is contrary to the spirit of Anglo-Saxon liberty... The acts of the police department here criticized were not only a gross outrage, not only perfectly lawless, but they were criminal in character. Every person concerned therein is not only liable to a civil action for damages, but to criminal prosecution for assault." NOTE: The court in this case also made it known that it was "The duty of every member of the police force under penalty of fine or dismissal from the force, immediately upon arrest, to convey the offender, not to police headquarters to be photographed and measured, but 'before the nearest sitting magistrate that he may be dealt with according to law.'", p. 1016, ibid.; Hawkins v. Kuhne, 137 N.Y.Supp. 1090, 153 App.Div. 216 (1912), wherein the Gow case was upheld and it was acknowledged: "...that the taking of the plaintiff's picture before conviction was an illegal act."]

195. PROOF OF CLAIM, any present day "statute" which may be contained within the United States Code which mandates the finger printing of any and every, ***a Private Citizen,*** arrested; a practice the common-law or "the

law of the land" permits only after/upon conviction, in order to allow, ***a Private Citizen,*** to be admitted to bail, or for any other purpose/excuse, is not a serious invasion upon the liberty of said man or woman; and, such a "statute" is not unconstitutional or un-un/non-constitutional without nexus of relationship; i.e., contract. [See: People v. Hevern, 127 Miscel. Rep. 141, 215 N.Y.Supp. 412, 417-418 (1926), which States: "Article I, section 5 of the Constitution of New York and the United States, provides: 'Excessive bail shall not be required.' The prohibition against excessive bail necessarily includes the denial of bail... A defendant is arraigned, in fact innocent, and refuses to submit to a finger printing. A redolent from it is not unnatural. It cannot be said that the refusal is unreasonable or unjustified. Yet he is denied bail. The requirement for finger printing is oppressive and unreasonable. It contravenes article I, sec. 5, of the Constitution of the UNITED STATES, and in the laws judgment is unconstitutional. There are other grounds upon which the unconstitutionality of the law must be declared. Article I, section 6 of the Constitution of the State of New York in compliance with the Bill of Rights for the United States of America, which provides and secures that: 'No person shall... be compelled in any criminal case to be a witness against himself; nor be deprived of life, or property without due process of law.' Finger printing is an encroachment on the liberty of a person. It is justifiable, as is imprisonment, upon conviction for crime, in the exercise of the police powers of the State, for the purpose of facilitating future crime detection and punishment. What can be its justification when imposed before conviction? To charge that one's fingerprint records have been taken would ordinarily convey an imputation of crime, and very probably support a complaint for libel per se. In my judgment, compulsory finger printing before conviction is an unlawful encroachment upon a person, in violation of the State Constitution. Lastly, finger printing before conviction involves prohibited compulsory self-incrimination."; cf. Constitution of/for the United States of America articles to amendment V, VIII].

196. PROOF OF CLAIM, there is any right/authority given to Government; and specifically the Government of the United States of America, by the common-law or "the law of the land" to take fingerprints prior to conviction within a criminal proceeding. [See: United States v. Kelly, 51 F.2d 263, 266 (1931)]

197. PROOF OF CLAIM, any court decisions which may appear to strike down the common-law or "the law of the land" principles which act to prohibit finger printing, measuring, and photographing of an arrested, ***a Private Citizen,*** prior to conviction within a criminal proceeding is not based upon principles of some other un/non-constitutional source of law affording the court the ability to apply the doctrine of "**Constitutional Avoidance**" to the issue through said court's taking **silent judicial notice of some contract, real or presumed**, expressed or implied, revealed or unrevealed, existing between the parties to the issue before the court, such as principles of equity.

198. PROOF OF CLAIM, the compulsory taking of samples of an arrested man or woman's blood, urine, hair, finger prints, exemplars, and the like is not an un-lawful taking of said man or woman's property without "due process of the law" and compensation, a violation of said man or woman's personal privacy, an un-lawful attack and breach of said man or woman's right not to be compelled to give self-incriminating evidence, and an assault and battery upon said man or woman. [See: Bednarick v. Bednarick, 16 A.2d 80, 90, 18 N.J. Misc. 633 (1940), which States: "To subject a person against his will to a blood test is an assault and battery, and clearly an invasion of his personal privacy."; State v. Height, 117 Ia. 650, 91 N.W. 935 (1902); People v. Corder, 244 Mich. 274, 221 N.W. 309; Boyd v. United States, 116 U.S. 616 (1885); State v. Newcomb, 220 Mo. 54, 119 S.W. 405 (1909); cf. relevant articles and sections of both State and federal constitutions/charters as already cited above.]

199. PROOF OF CLAIM, it cannot be concluded there are at least five (5) reasons why the acts of compulsory finger printing, blood testing, measuring, photographing, D.N.A./R.N.A. extraction, exemplars, and the like are un-lawful; and, said reasons are not: 1) They are an invasion of a man or woman's right of privacy; 2) Such compels evidence to be used as self-incriminating evidence; 3) Such is an assault and or battery; 4) Such violates "due process of the law" or "the law of the land" in the taking of a man or woman's property; and, 5) prohibits bail when refused (if refusal is possible) and thereby infringes on one's liberty.

200. PROOF OF CLAIM, any court decisions which may appear to have struck down the common-law or "the law of the land" principles which act to prohibit the compulsory taking of samples of an arrested man or woman's blood, urine, hair, D.N.A./R.N.A., exemplars, and the like upon arrest, during any proceeding within the prosecution, or any process of "evidence collection"; and, any "statutes" as may appear within the United States Code, authorizing such, is not based upon principles of some other un non-constitutional source of law affording the court the ability to

apply the doctrine of "Constitutional Avoidance" to the issue through said court's taking silent judicial notice of some contract, real or presumed, expressed or implied, revealed or unrevealed, existing between the parties to the issue before the court, such as principles of equity.

201. PROOF OF CLAIM, ***a Private Citizen,*** d.b.a. a Magistrate, Justice of the Peace, or Judicial Officer, in order to be validly in possession and use of the "plenary powers" resident within his "office," must not have "perfected title" to said "office"; and, said perfection is not accomplished through valid Oath of office and bond thereon.

202. PROOF OF CLAIM, the failure of, ***a Private Citizen,*** d.b.a. a Magistrate, Justice of the Peace, or Judicial Officer, in "perfecting title" to his "office" as set-forth above, is not operating under a serious/severe disability of capacity acting to bar his lawful access to said "office," possession and use of the "plenary powers" resident within said "office"; and, due to his disability, said "office" is not vacant; and, therefore does not render ALL acts performed by said, ***a Private Citizen,*** under said disability VOID; and, does not render said, ***a Private Citizen,*** for ALL acts performed while under said disability, guilty of; inter alia, false personation, false pretenses, usurpation, fraud, official oppression, fraudulent and deceptive business practices, and trespass ab initio, and thereby; and therein, does not render said, ***a Private Citizen,*** liable for damages arising from all injuries he caused, subjected to, and inflicted upon the arrested, ***a Private Citizen,*** brought before him.

203. PROOF OF CLAIM, an arrested, ***a Private Citizen,*** brought before, ***a Private Citizen,*** d.b.a. a Magistrate, Justice of the Peace, or Judicial Officer, which operating/functioning under a disability of "office" through his failure to "perfect title" thereto and lawfully possess and use the "plenary powers" resident therein, does fulfill the well established and settled fundamental procedural rule of law established as "due process of the law" ordained through "the law of the land" by express constitutional provision therein; and, ***a Private Citizen,*** under arrest brought before such a magistrate, justice of the peace, or judicial officer does not constitute and establish an unreasonable, unnecessary, and willful delay; and, does not constitute and establish; inter alia, failure of process, official oppression, gross negligence, and false imprisonment.

204. PROOF OF CLAIM, the Undersigned within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was brought before a Magistrate, Justice of the Peace, or Judicial officer having "perfected title" to said "office" through a valid Oath and bond thereon, and therefore was not exercising/employing the "plenary powers" resident within said "office" un-lawfully; and, was not acting under color-of-law, false pretenses, false personation, fraudulent and deceptive business practices, fraud, official oppression; and, said "office" was not vacant; and, said warrant of arrest and writ of detainment was obtained/procured from a Magistrate, Justice of the Peace, or Judicial Officer having lawfully "perfected title" to his "office".

205. PROOF OF CLAIM, that ALL acts of the magistrate, justice of the peace, and or judicial officer(s) within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** as they relate to and bear upon the Undersigned therein, for reasons that have been set-forth already, are not VOID ab initio thereby; and therein, establishing and constituting the entire alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** as referenced above VOID ab initio along with the un-lawful or false imprisonment of the Undersigned therein to date.

206. PROOF OF CLAIM, whereas in many of the older court cases we find the declaration: "The law is very jealous of the liberty of the citizen," said law is not the common-law; and, it does not declare that, "One who interferes with another's liberty does so at his peril." [See: Knight v. Baker, 117 Ore. 492, 244 P 543, 544 (1926)]

207. PROOF OF CLAIM, false imprisonment does not consist of any type of un-lawful restraint or interference with the personal liberty of a man or woman; and, is not a trespass. [See: Street's Foundation of Legal Liability, vol. I, p 12, citing: Bracton's Note Book, vol. II, p. 314 (1229), pl. 465, wherein Henry de Bracton (1200 - 1268) States, "Forcefully to deprive, ***a Private Citizen,*** of freedom to go wheresoever he may is clearly a trespass. False imprisonment was indeed one of the first trespasses recognized by the Common Law."]

208. PROOF OF CLAIM, false imprisonment is not classified as a tort under the common-law and also as a crime. [See: Kroeger v. Passmore, 36 Mont. 504, 93 P. 805, 807 (1908); McBeth v. Campbell, 12 S.W.2d 118, 122 (Tex. 1929)]

209. PROOF OF CLAIM, false imprisonment has not been labeled as a tort, a trespass, an assault, a wrong, damage, and an injury giving the, ***a Private Citizen,*** so affected cause to bring process for relief and remedy against the offending man or woman/party.

210. PROOF OF CLAIM, injuries to the liberty of, ***a Private Citizen,*** are not principally termed "false imprisonments" or "malicious prosecutions." Joseph Chitty, Esq., The Practice of Law, vol. I, ch. II, p. 47, London, 1837, wherein Mr. Chitty States: "The infraction of personal liberty has been regarded as one of the greatest injuries. The injuries to liberty are principally termed false imprisonments, or malicious prosecutions."]

211. PROOF OF CLAIM, actual seizure or the laying on of hands is necessary to constitute un-lawful detention; and, the ONLY essential elements of an action for un-lawful detention are not 1) Detention or restraint against one's will; and, 2) The un-lawfulness of such detention or restraint. [See: Hanser v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 93(1952); Sinclair Refining Co. v. Meek, 62 Ga.App. 850, 10 S.E.2d 76, 79(1940); Southern Ry. Co. in Kentucky v. Shirley 121 Ky. 863, 90 S.W. 597, 599 (1906)]

212. PROOF OF CLAIM, "false imprisonment" is not akin to assault and battery imposed by force or threats affecting an un-lawful restraint upon a man or woman's liberty. [See: Thomas Cooley, Treatise on the Law of Torts, vol. I, 4th ed., § 109, p. 345, wherein Mr. Cooley States: "False imprisonment is a wrong akin to the wrongs of assault and battery, and consists in imposing, by force or threats, and un-lawful restraint upon a man or woman's freedom of locomotion."; Meints v. Huntington, 276 F.2d 245, 248 (1921)]

213. PROOF OF CLAIM, any and every confinement of, ***a Private Citizen,*** is not an imprisonment. [See: 3 Bl. Comm. 127, which States: "Every confinement of the person is an imprisonment, whether it be in a common prison, or in a private house, or in the stocks, or even by forcibly detaining one in the public streets."; Sergeant v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 93 (1952)]

214. PROOF OF CLAIM, the term/word "false" as used and employed in law does not come from the common-law; and, is not synonymous with "un-lawful"; and, a false arrest is not one means of committing a false imprisonment. [See: Mahan v. Adams, 144 Md. 355, 124 A. 901, 904 (1924), which States: "False imprisonment is the unlawful restraint by one person of the physical liberty of another, and as here used the word 'false' seems to be synonymous with unlawful."; Riley v. Stone, 174 N.C. 588, 94 S.E. 434, 440 (1917), which States: "False imprisonment is the unlawful and total restraint of the liberty of the person. The imprisonment is false in the sense of being unlawful. The right violated by this tort is 'freedom of locomotion.' It belongs historically to the class of rights known as simple or primary rights... The theory of law is that one interferes with the freedom of locomotion of another at his own risk."]

215. PROOF OF CLAIM false imprisonment does not exist by words or acts, or both, which one fears to disregard, but also does not exist by such acts and measures that he cannot disregard. [See: Garnier v. Squires, 62 Kan. 321, 62 P. 1005, 1006 (1900), which States: "False imprisonment is necessarily a wrongful interference with the personal liberty of an individual. The wrong may be committed by words alone or by acts alone or by both, and by merely operating on the will of the individual, or by personal violence, or by both. It is not necessary that the wrongful act be committed with malice or ill will, or even with the slightest wrongful intention; nor is it necessary that the act be under color of any legal or judicial proceeding. All that is necessary is that the individual be restrained of his liberty without any sufficient legal cause therefore, and by words or acts which he fears to disregard." Kroeger v. Passmore, 36 Mont. 504, 93 p. 805, 807 (1908)]

216. PROOF OF CLAIM, the un-lawful arrest and detention of, *a Private Citizen,* without lawful authority is not one manner in which the category of those torts that un-lawfully deprive or interfere with the liberty of, *a Private Citizen,* termed "false imprisonment" is committed. [See: Riegel v. Hygrade Seed Co., 47 F.Supp. 290,

294 (1942), which States: "False imprisonment has been well defined to be a trespass committed by one, ***a Private Citizen,*** against the person of another, by unlawfully arresting and detaining him without any legal authority."]

217. PROOF OF CLAIM, "false imprisonment" is not effectuated by the un-lawful arrest or detention of, ***a Private Citizen,*** without warrant, or by an illegal warrant or a warrant illegally executed. [See: Noce v. Ritchie, 155 S.E. 127, 128 (W.Va. 1930), which States: "False imprisonment is the unlawful arrest or detention of a person, without warrant or by an illegal warrant, or a warrant illegally executed."]

218. PROOF OF CLAIM, the tort, or wrong of "false imprisonment" does not occur the instant that, ***a Private Citizen,*** is restrained in the exercise of his liberty and there is a reasonable length of time for a restraint before the tort can be claimed. [See: Sinclair Refining Co. v. Meek, 62 Ga.App. 850, 10 S.E. 76, 79 (1940), which States: 'False imprisonment at common law and elsewhere consists in the unlawful detention of the person by another for any length of time, whereby he is deprived of his persona liberty.", citing: 3 Bl.Comm. 127; 12 Am.&Eng.Ency.Law 721; 19 Cyc 319; Sergeant v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 92 (1952), which States: "False imprisonment is defined as an act which, directly or indirectly, is an illegal cause of confinement of another within boundaries fixed by the actor for any time, no matter how short in duration, makes the actor liable to the other."]

219. PROOF OF CLAIM, ***a Private Citizen,*** wronged by "false imprisonment" is not entitled to recover damages for ALL the natural and probable consequences thereof for the whole of the time he was un-lawfully/falsely imprisoned. [See: Knickerbockers Steamboat Co. v. Cusack, 172 F. 358, 360-361 (1905), which States: "The general rule of damages in cases of false imprisonment is that the person causing a wrongful imprisonment is liable for all the natural and probable consequences thereof. The plaintiff is entitled to recover damages for what the party wrongfully did... In Murphy v. Countiss, 1 Harr. (Del.) 143, in an action for trespass, assault and battery, and false imprisonment, the court held that the plaintiff could recover, not merely for the time the constable was bringing him to jail, but for the whole period of his imprisonment. And in Mandeville v. Guernsey, 51 Barb. (N.Y.) 99 the court said: 'The arrest being wrongful, the defendant is liable for all the injurious consequences to the plaintiff which resulted directly from the wrongful act.'"; Meints v. Huntington, 276 F. 245, 248 (1921), citing Adler v. Tenton, 24 How. (U.S.) 407, 410 (1860)]

220. PROOF OF CLAIM, false imprisonment does not include an assault and battery; and, does not always, at least, include a technical assault. [See: Black v. Clark's Greensboro, Inc., 263 N.C. 226, 139 S.E.2d 199, 201 (1964); State v. Robinson, 145 Me. 77, 72 A.2d 260, 262 (1950)]

221. PROOF OF CLAIM, the law does not specify or divide damages arising from torts for injury into two (2) types or classes; and, those two (2) types or classes are not "actual damages" and "punitive damages."

222. PROOF OF CLAIM, "actual damages" are not compensation for the injury as would follow the nature and character of the act which would not include; inter alia, pain and suffering, physical discomfort, sense of shame, wrong, and outrage; and, such damages are not also termed "compensatory damages" as they compensate the injured, ***a Private Citizen,*** for the actual injuries sustained and no more.

223. PROOF OF CLAIM, "punitive damages" are not those that grow out of the wantonness or atrocity; or aggravated by the act, of the act resulting in the injuries and sufferings that were intended, or occurred through malice, carelessness or negligence amounting to a wrong so reckless and wanton as to be without excuse; and, such damages are not also termed "exemplary damages." [See: Ross v. Leggett, 61 Mich. 445, 28 N.W. 695, 697 (1886)]

224. PROOF OF CLAIM, anyone who assists or participates in an un-lawful arrest and or un-lawful imprisonment; e.g. Magistrate, Justice of the Peace, Judge, United States Attorney (or Assistant), Defense Attorney, United States Attorney General, County Prison Superintendent, Secretary of Corrections, Director of Federal Bureau of Prisons, Warden and/or Superintendent of the warehousing Correctional Institution, clerk, city, county, State, federal national Government, and the like, is not equally liable for the damages arising from the injuries caused by said acts. [See: Cook v. Hastings, 150 Mich. 289, 114 N.W. 71, 72 (1907)]

225. PROOF OF CLAIM, "actual" or "compensatory damages" in actions/claims for false arrest/false imprisonment have not been established at 25,000 dollars per twenty-three (23) minutes, 1,600,000 million dollars per day; and, punitive damages may not be set by the injured party; and specifically the Undersigned as the injured party within the above referenced alleged Criminal Case/Cause. [See: Trezevant v. City of Tampa, 741 F.2d 336 (1984), wherein damages were set as 25,000 dollars per twenty-three 23 minutes in a false imprisonment case.]

226. PROOF OF CLAIM, the above cited case; i.e., Trezevant v. City of Tampa, cannot be utilized by the Undersigned in determining actual/compensatory damages should Respondent(s) agree the Undersigned has been falsely imprisoned; and, Respondent(s) can provide any valid, lawful, and reasonable objection as to why it should not, or cannot, be so utilized and applied in this matter.

227. PROOF OF CLAIM, the distinction between false imprisonment and malicious prosecution is not the right: in the former, which even a guilty, ***a Private Citizen,*** has to be protected against any un-lawful restraint of his personal liberty and in the latter, the right of an innocent, ***a Private Citizen,*** to be compensated in damages for an injury he may sustain when a groundless charge is brought against him, even though such charge may be presented and prosecuted in accordance with the strictest forms of law. [See: State v. Williams, 45 Ore. 314, 77 P. 965, 969 (1904)]

228. PROOF OF CLAIM, the aspects of malicious prosecution in a matter involving false imprisonment cannot be used in determining punitive damages in a false imprisonment action/claim.

229. PROOF OF CLAIM, the want of authority is not an essential element in an action/claim for false imprisonment; and, malice and want of probable cause are not the essential elements in an action/claim for malicious prosecution. [See: Roberts v. Thomas, 135 Ky. 63, 121 S.W. 961, 96 (1909)]

230. PROOF OF CLAIM, the defense for/against an action/claim of false imprisonment is not limited to showing that the arrest was pursuant to law; and, the one arresting had lawful authority to so act, thus, valid defense or proper justification for/against an action/claim of false imprisonment is not one asserting the legality of the arrest. [See: Marks v. Baltimore & O. R. Co., 131 N.Y.S.2d 325, 327, 284 App.Div. 251 (1954), wherein Justice Hand States: "The law watches personal liberty with vigilance and jealousy; and whoever imprisons another, in this country, must do it for a lawful cause and in a legal manner."]

231. PROOF OF CLAIM, the arrest of the Undersigned in the above reference alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was for a lawful cause; i.e., for a crime/public offense created and established by validly enacted statute/law originating from the sole legislative power/authority as created by express constitutional provisions clearly identified as such upon its face and properly, validly, and lawfully promulgated/published; and, was in a legal manner; i.e., pursuant to "due process of the law" as ordained by "the law of the land" through express constitutional provisions; and, executed by those with lawful authority; i.e., lawfully holding/occupying their "office" and thereby in lawful possession and use of the "powers" resident therein.

232. PROOF OF CLAIM, due to the high regards placed upon liberty by the law, not ALL imprisonments are deemed un-lawful until the contrary is shown; and a defense based upon the one who was arrested must prove the arrest/imprisonment was un-lawful in order to prevail in any process for relief and remedy can be used. [See: Earl of Halsbury, The Laws of England, vol. 38, 3rd ed., pt. 4, § 1266, p. 765, London (1962), which States: "The Plaintiff need not prove that the imprisonment was unlawful or malicious, but establishes a prima facie case if he proves that he was imprisoned by the defendant; the onus then lies on the defendant of proving a justification."]

233. PROOF OF CLAIM, the only thing, ***a Private Citizen,*** who has been arrested and imprisoned needs to claim and to prove is not one of two (2) things; which are: 1) The defendant made an arrest or imprisonment; or, 2) the defendant affirmatively instigated, encouraged, incited, or caused the arrest or imprisonment. [See: Burlington Transp. Co. v. Josephson, 153 F.2d 372, 376 (1946)]

234. PROOF OF CLAIM, the Undersigned has not up to this point within this Conditional Acceptance for Value and counter offer/claim for Proof of Claim, Item No. 511328-DK established his arrest and imprisonment at the hands,

and by the acts, of ALL parties participating within the above referenced alleged Criminal Case/Cause; and, the un-lawful/false nature of said arrest and imprisonment within said Criminal Case Cause.

235. PROOF OF CLAIM, should the Respondent(s) agree: expressly or through tacit acquiescence, with the facts contained within this Conditional Acceptance for Value and counter offer/claim for Proof of Claim, Item No. 511328-DK they are not bound by their duty to correct this matter and provide relief and remedy to the Undersigned in this matter without delay; i.e., releasing the Undersigned, Undersigned's corpus and person, along with ALL property of the Undersigned's from the bonds of false imprisonment and restore the Undersigned to a State of liberty (freedom of locomotion), and completely expunging this matter from ALL Criminal Records, data bases, files, and the like no matter how stored. Case #

236. PROOF OF CLAIM, the failure of Respondent(s) in exercising their duty in this matter as set-forth above, does not thereby; and therein, act to make Respondent(s) liable for the false arrest and false imprisonment of the Undersigned resulting from the above referenced alleged Criminal Case/Cause, jointly and severally.

237. PROOF OF CLAIM, it has not been held and well established in law that in false imprisonment processes for relief and remedy the defendant, in order to escape liability, must prove that he did not imprison the man or woman, or he must justify the imprisonment; or, Stated another way, the burden is upon the defendant to show that the arrest was by authority of law. [See: Southern Ry. Co. in Kentucky v. Shirley, 121 Ky. 863, 90 S.W. 597, 599 (1906), citing: 12 Am.&Eng.Ency.Law, 2d ed., p. 733; McAleer v. Good, 216 Pa. 473, 65 A. 934, 935 (1907); Mackie v. Ambassador Hotel & Inv. Co., 123 Cal .App. 215, 11 P.2d 3, 6 (1932); Jackson v. Knowlton, 173 Mass. 94, 53 N.E. 134 (1899), which States: "It was long ago said by Lord Mansfield: 'A gaoler, if he has a prisoner in custody, is prima facie guilty of an imprisonment; and therefore must justify.' Badkin v. Powel, Cowp. 476, 478. So, in Halroyd v. Doncaster, 11 Moore 440, it was said by Chief Justice Best: 'Where, ***a Private Citizen,*** deprives another of his liberty, the injured party is entitled to maintain an action for false imprisonment, and it is for the defendant to justify his proceedings by showing that he had legal authority for doing that which he had done.'"; Snyder v. Thompson, 134 Ia. 725, 112 N.W. 239, 241 (1907), which States: "In 2 Bishop on Criminal Procedure, § 368, it is said, 'In matters of evidence, if the imprisonment is proved, its unlawfulness will be prima facie presumed; but authority may be shown by the defendant in justification.'"]

238. PROOF OF CLAIM, in cases of false imprisonment, the only essential elements of the action/claim for relief and remedy are not detention and its un-lawfulness, and that malice and the want of probable cause does need to be shown or are necessary to a proper cause of action for false imprisonment. [See: Sinclair Refining Co., v. Meek, 62 Ga.App. 850, 10 S.E.2d 76, 79 (1940) (authorities cited therein); Stallings v. Foster, 119 Cal .App.2d 614, 259 P.2d 1006, 1009 (1953); Thompson v. Farmer's Exchange Bank, 333 Mo. 437, 62 S.W.2d 803, 811 (Mo. 1933). which States: "A lawful imprisonment does not become unlawful because of malicious motives nor does an unlawful detention become lawful because actuated by a laudable purpose or founded in good faith."; McNeff v. Heider, 337 P.2d 819, 821 (Ore. 1958), which States: "In an action for false imprisonment, neither actual malice nor want of probable cause is an essential element necessary to a recovery of general damages."]

239. PROOF OF CLAIM, un-lawful detention or imprisonment does become lawful because it was out of ignorance of the law. [See: Maxims of Law, ed. C.A. Weismann, 57f; 1 Coke 177; 4 Bouvier's Institutes, n. 3828; 35 C.J.S., False Imprisonment, § 7, p. 630; Stembridge v. Wright, 32 Ga.App. 587, 124 S.E. 115 (1924). which States: "It is no defense that a person perpetrating an illegal arrest or imprisonment is ignorant of the legality of his acts."; Kroeger v. Passmore, 36 Mont. 504, 93 P. 805, 807 91908), which States: "False imprisonment is treated as a tort, and also as a crime... If the conduct is unlawful, neither good faith, nor provocation, nor ignorance of the law is a defense to the person committing the wrong."; Thiede v. Town of Scandia Valley, 217 Minn. 218, 231, 14 N.W.2d 400 (1944), which States: "As is the case of illegal arrests, the officer is bound to know these fundamental rights and privileges, and must keep within the law at his peril."]

240. PROOF OF CLAIM, whereas a magistrate, Justice of the Peace, Judge, Attorney (Prosecuting/Defense), and arresting officers are ALL schooled, trained, and "licensed" to practice law, some more than others; and specifically as this matter relates to and bears upon said parties acting within the above referenced alleged Criminal Case/Cause, and therefore have superior knowledge of the law, said parties; and the Respondent(s), are capable or justified in claiming ignorance of the lawfulness and legality of the arrest of the Undersigned and subsequent imprisonment resulting therefrom within said Criminal Case Cause; and, such an assertion would not thereby; and therein, operate

to constitute said parties; and the Respondent(s), as unqualified and or unfit to practice law, and at the very least, in need of additional schooling/training.

241. PROOF OF CLAIM, in an action for false imprisonment, a record of conviction for the same offense for which the arrest was made is admissible. [See: Dunnell Minnesota Digest, 3rd ed., vol. 84, False Imprisonment, §1.06(c), citing: Wahl v. Walton, 30 Minn. 506, 16 N.W. 397 (1883)]

242. PROOF OF CLAIM, in an action/process for relief and remedy from false imprisonment such is not to be based solely upon the legality of the arrest; and, is to be based upon the filing of some complaint, or the proof of an alleged crime, or the results of some trial. [See: Coverstone v. Davis, 38 Cal.2d 315, 239 P.2d 876, 878 (1952), which States: "The finding of guilt in the subsequent criminal proceeding cannot legalize an arrest unlawful when made."; Wilson v. Loustalot, 85 Cal.App.2d 316, 193 P.2d 127, 132 (1948); Stewart v. State, 244 S.W.2d 688, 690 (Tex.Civ.App. 1951)]

243. PROOF OF CLAIM, the argument of "official immunity" is a valid defense for public/Government agents when proceeded against for their own torts in an action/process for relief and remedy from a false imprisonment claim. [Hopkins v. Clemson College, 221 U.S. 636, 642-643 (1910), which States: "But immunity from suit is a high attribute of sovereignty a prerogative of the State itself - which cannot be availed of by public agents when sued for their own torts."; Johnson v. Lankford, 245 U.S. 541, 546 (1917)]

244. PROOF OF CLAIM, under the "doctrine of immunity" there have not been distinctions made between acts that are "discretionary duties" which one in the performance thereof is immune within, and acts which are" ministerial duties" which one in the performance thereof is liable for.

245. PROOF OF CLAIM, that a "law enforcement officer's" official duty is not described as "ministerial," when it is absolute, certain, and imperative, involving merely execution of a specific duty arising from fixed and designated facts; and, the same cannot be said of the official duty of a Magistrate, Justice of the Peace, Judge, United States Attorney (or Assistant), and an Attorney General. [See: Rico v. State, 472 N.W.2d 100, 107 (Minn. 1991)]

246. PROOF OF CLAIM, the act of arresting, ***a Private Citizen,*** by a law enforcement officer, however termed/styled, is not a ministerial act; and, is a discretionary act.

247. PROOF OF CLAIM, the "due process of the law" argument in false imprisonment matters will not nullify the statutes, rules, regulations, ordinances, and the like as may be contained within the United States Code and elsewhere that are contrary to the common-law rule on arrest; and, a legislative act can abrogate what is "the law of the land." [See: Muscoe v. Commonwealth, 86 Va. 443, 10 S.E. 534, 536 (1890), which States: "Arrest without warrant, where a warrant is required, is not due process of law; and arbitrary or despotic power no, ***a Private Citizen,*** possesses under our system of Government."]

248. PROOF OF CLAIM, ***a Private Citizen,*** confined by virtue of a void warrant and thereupon imprisoned is not falsely imprisoned; and, the complainant, the prosecuting attorney, Magistrate, Justice of the Peace, and or Judge, who ordered said, ***a Private Citizen,*** to be committed, along with the arresting officer who executed said void warrant, the jailer/warden/superintendent, and the like are not all liable for false imprisonment. [See: The State of Connecticut against Leach, 7 Conn. Rep. 452 (1829), which States: "A void process is no process. The complainant, the justice of the peace who ordered him to be committed, the sheriff who executed the pretended warrant, and the jailer who held him under it, are all liable for false imprisonment. This is the undoubted doctrine of the common law from the time of the Marshalsea case, 10 Co. 68 to this day."]

249. PROOF OF CLAIM, the Constitution for the United States as the express document instrument for the Government of the Original Jurisdiction does not reference genuine law.

250. PROOF OF CLAIM, there is not a difference between what is lawful and what is "legal", as such term word is employed used by the present day civil authorities and their courts.

251. PROOF OF CLAIM, lawful does not mean in accordance with "the law of the land"; according to the law; permitted, sanctioned, or justified by law; and, is not dealing with the spirit; i.e., the substance, content, object of law; and, does not properly imply a thing conformable to or enjoined by law.

252. PROOF OF CLAIM, "legal" does not pertain to the understanding, the exposition, the administration, the science, and the practice of law; as, the legal profession, legal advice, legal blanks, newspaper, and the like.

253. PROOF OF CLAIM, "legal' does not mean implied or imputed in law; and, is not opposed to actual; i.e., express, what is real, substantial, existing presently in act, valid objective existence as opposed to that which is merely theoretical or possible.

254. PROOF OF CLAIM, "legal" does not look more to the "letter" of the law; i.e., form, appearance, and shadow of the law.

255. PROOF OF CLAIM, "legal" is not more appropriate for conformity with positive rules of law; and, lawful is not more appropriate for accord with ethical principles.

256. PROOF OF CLAIM, "legal" does not import rather the forms (appearances) of law are observed, that the proceeding is correct in method, and rules prescribed (dictated) have been obeyed.

257. PROOF OF CLAIM, lawful does not import that the right is actful in substance, and that moral quality is secured.

258. PROOF OF CLAIM, "legal" is not the antithesis of equitable; and, is not the equivalent of "constructive"; i.e., that which has not the character assigned to it in its own essential nature, but acquires such character in consequence of the way in which it is regarded by a rule or policy of law; hence, inferred, implied, made out by "legal" interpretation.

259. PROOF OF CLAIM, a writ or warrant of arrest issuing from any court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, under "color-of-law" is not a "legal" process however defective.

260. PROOF OF CLAIM, "legal" matters do not administrate, conform to, and follow rules; and, are not equitable in nature; and, are not implied; i.e., presumed, rather than actual; i.e., express.

261. PROOF OF CLAIM, a "legal" process cannot be defective in law; and, the "legal" process within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not defective in law.

262. PROOF OF CLAIM, to be "legal," a matter does follow the law; and, is required to follow the law; and, does not rather conform to and follow the rules or forms of law.

263. PROOF OF CLAIM, lawful matters are not ethically enjoined in "the law of the land" the law of the People and are not actual in nature, they are implied.

264. PROOF OF CLAIM, the proper and truthful definition and meaning of the term/word "legal" is not "color-of--law"; i.e. the appearance or semblance of law; without the substance, or right. [See: State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148]

265. PROOF OF CLAIM, "colorable" does not mean that which is in appearance only, and not in reality, what it purports to be; counterfeit, feigned, having the appearance only of truth. [See: Ellis v. Jones, 73 Colo. 516, 216 P. 257, 258]

266. PROOF OF CLAIM, "statutory jurisdiction" is not a "colorable" jurisdiction, created to enforce colorable contracts; and, is not legislative and administrative rather than judicial in nature; and, does not operate/function/exist to enforce commercial agreements based upon "implied consent" rather than contracts under the common law or "the law of the land."

267. PROOF OF CLAIM, "public policy" does not equal Government policy; which does not equal corporate policy; which, does not equal commerce; which, does not equal Federal Reserve re-insurance policy; which, does not equal public credit/debt; which, does not equal commercial transactions of private enterprise; which, does not equal non-substance re-insurance script (Federal Reserve Notes [a note being evidence of debt]); which, does not function as "money" (currency) in a "colorable" admiralty/maritime jurisdiction.

268. PROOF OF CLAIM, a copyright symbol employed/used in the publication of written or recorded matter does not act/operate to give NOTICE that said printed/recorded matter is the private intellectual property - out of the public domain - of the copyright owner.

269. PROOF OF CLAIM, a copyright symbol employed/used in publication of "statute/law" books ("Codes") as specifically employed/used in the printed publication of the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof does not act/operate to give NOTICE to all that the contents therein is the private intellectual property of the copyright owner, and out of the public domain.

270. PROOF OF CLAIM, a "statute/law" book ("Code") placed under copyright such as the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof is not by virtue and operation of said copyright factually, substantially, and truthfully "private law" in support of a "private right" belonging to the copyright owner.

271. PROOF OF CLAIM, the Maxim of Law: Ignorance of the law is no excuse does apply to "private law" in support of a "private right"; and, that any man or woman; and specifically the Undersigned as this relates to and bears upon the above referenced alleged Criminal Case/Cause, does have any duty, obligation, or compelling need to know the "private law" in support of a "private right" of any, ***a Private Citizen,*** or person. [See: Freichnecht v. Meyer, 39 N.J.Eq. 551, 560]

272. PROOF OF CLAIM, that genuine, actual, true law of the People can be copyrighted.

273. PROOF OF CLAIM, any true public document of a de jure and de facto State or Nation has been, and can be under copyright; and, such are not in the public domain.

274. PROOF OF CLAIM, whereas ALL "statute/law" books ("Codes") of the federal and State Governments; and specifically the United States, are copyrighted, ***a Private Citizen,*** practicing law would not require a "letters patent" to practice said law within the present day courts; and said right to practice law is not a "property right" existing by virtue of "letters patent"; and, said patent is not the so-called "license" an attorney holds out as possessing to would be clients; and, without said patent, said man or woman, would not be doing that which would otherwise be illegal, a trespass, or a tort. [See: Black's Law Dictionary, Rev. 4th Ed., (1968), p. 1067 at LICENSE (cases cited); 168 A. 229; 114 N.J.Eq. 68]

275. PROOF OF CLAIM, whereas West Publishing Company holds out its firm as the copyright owner, the fact that said company is owned by The Thompson Group, LLC, LTD a publishing interest of The Crown, does not thereby; and therein, constitute and establish said "statute/law" books ("Codes") known as The United States Code foreign owned "private law" in support of a "private right" of the actual copyright owner; i.e. The Crown. NOTE: The Thompson Group owns; inter alia, West Publishing Company; Barclays West Group; Bancroft Whitney; Clark Bordman, Callaghan; Legal Solictias; Rutter Group; Warren, Gorham & Lamont; Lawyers Co-op; Reed Elsevier owns; inter alia, Lexis; Deering Codes, rendering all such published "law" private, non-public domain, property of The Crown.

276. PROOF OF CLAIM, a "court of record" is not a judicial tribunal having attributes and exercising functions independently of the "person" of the Magistrate designated generally to hold it; and, does not proceed according to the course of common law; and, its acts and proceedings are not "enrolled"; i.e., to register; to make a record; to enter on the rolls of a court; to transcribe, for a "perpetual" memorial. [See: Ream v. Commonwealth, 3 Serg. & R.

(Pa.) 209; Anderson v. Commonwealth, 275 Ky. 232, 121 S.W.2d 46, 47; Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc., Mass. 171, per shaw, C.J.]

277. PROOF OF CLAIM, a "court of record" is not the ONLY court that possesses the power to fine or imprison; and, "courts not of record" do possess the power to fine or imprison. [See: 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga. 24 F. 481; Ex parte Thistleton, 52 Cal. 225; Erwin v. U.S., D.C.Ga. 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

278. PROOF OF CLAIM, a "de facto court" is not a court established, organized, and exercising its judicial functions under authority of a "statute" apparently valid, but which may in fact be unconstitutional and afterward so adjudged; and, is not a court, which is established and acting under the authority of a "de facto Government." [See: 1 Bl. Judgm. §173; In re Manning, 139 U.S. 504, 11 S.Ct. 624, 35 L.Ed. 264; Gildemeister v. Lindsey, 212 Mich. 299, 189 NW. 633, 635]

279. PROOF OF CLAIM, if a court is not a "court of record" it does have any power to fix and establish a "penalty"; i.e. a punishment established by law or authority for a criminal/public offense; and, does thereby; and therein, create any "penological interest" for others to claim; e.g., State and Federal Correctional Institutions.

280. PROOF OF CLAIM, "prison," and "penitentiary" are not used synonymously. [See: State v. Delmonto, 110 Conn. 298, 147 A. 825, 826]

281. PROOF OF CLAIM, a "prison" or 'penitentiary" is not a place of confinement of men for the purpose of "punishment." [See: Millar v. State, 2 Kan. 175; Bowers v. Bowers, 114 Ohio St. 568, 151 N.E. 750, 751; State v. Rardon, 221 Ind. 154, 46 N.E.2d 605, 609]

282. PROOF OF CLAIM, the word/term "correctional"; as used in "State/Federal Correctional Institution," does not mean discipline for the purpose of curing faults or bringing one into proper subjection.

283. PROOF OF CLAIM, the word/term "institution" does not denote a "public" establishment/corporation, which is created and exists by "statute" or "public authority" such as an asylum, charity, college, university, schoolhouse, and the like.

284. PROOF OF CLAIM, the alleged "court of record" within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was and is in fact established and functioning as a valid and lawful "court of record" which proceeds according to the course of common law; and, whose acts and proceedings are "enrolled"; and, a court which does have power to fine and imprison and thereby; and therein, creating a "penological interest" of which may be claimed by The Department of Justice of the United States of America .

285. PROOF OF CLAIM, there does exist; this present day, any "courts of records" within the UNITED STATES.

286. PROOF OF CLAIM, a courts power to "punish" by fine or imprisonment does not ensue from a valid and lawfully enacted "statute(s)/law(s)" creating a real criminal/public offence; and, such "penal statutes/laws" do exist within the United States and the absence of such "penal statutes/laws" is not one of the reasons which "courts of record" do not exist within the United States as said courts; and specifically the alleged "court of record" within the above referenced alleged Criminal Case/Cause, is not proceeding according to the course of common-law, but merely upon the forms/shadow of that which formerly existed in spirit, substance, content, and actuality; i.e., expressly.

287. PROOF OF CLAIM, "prisons," and "penitentiaries" do exist within the UNITED STATES wherein such are established for the purpose of "punishment" ensuing from valid and lawful "penal statutes/laws"; and, which may claim a "penological interest" in and from such statutes laws.

288. PROOF OF CLAIM, a "penological interest" does exist for and within "State/Federal Correctional Institutions"; and specifically ALL those, which compose the Department of Justice Federal Bureau of Prisons of the United States and such are not functioning/operating as disciplinarian asylums for the purpose of

"treating/treatment" of presumed mental/emotional dysfunctions and re-indoctrination/programming to cure faults in the nature of social breaches in thought, action, behavior, and the like.

289. PROOF OF CLAIM, the inability of courts today; and specifically the alleged "court of record" within the above referenced alleged Criminal Case/Cause, to punish is not why the mental health laws were merged with the "Criminal Process" so as to allow the courts the ability to "treat"; and thereby confine those convicted/adjudged; i.e., in need thereof.

290. PROOF OF CLAIM, the alleged "court of record" within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was not and is not established, organized, and exercising its judicial functions under authority of a statute; and, said statute is not unconstitutional; and, is not established and acting under authority; e.g., authority derived from a foreign "un/non-constitutional source of authority" of law, of a de facto Government; i.e., a Government not lawfully created, operating, functioning, and exercising its authority in accordance with and pursuant to the instrument/document of its creation which established and ordained the Government for the United States, i.e., the Original Jurisdiction as opposed to the UNITED STATES ; and, was not and is not exercising its judicial functions and authority as a "de facto court" of said de facto Government/authority.

291. PROOF OF CLAIM, the United States/UNITED STATES, is not a federal corporation; and, is not a "foreign corporation" with respect to the State. [See: Title 28 U.S.C., § 3002(15), in para materia Title 11 U.S.C., §109(a); 534 F.Supp. 724; 1 Marsh Dec. 177, 181; Bouvier's Law Dictionary, 5th Ed.; Black's Law Dictionary, 6th Ed.; 19 C.J.S., § 884, In re Merriam's EState, 36 N.Y. 505, 141 N.Y. 479, affirmed in U.S. v. Perkins, 163 U.S. 625]

292. PROOF OF CLAIM, the UNITED STATES is not a municipal for-profit corporation originally incorporated February 21, 1871, under the name "District of Columbia," and Reorganized June 8, 1878, d.b.a. "UNITED STATES GOVERNMENT." [See: 16 Stat. 419, ch. 62, 41st Congress, 3rd Session, "An Act to Provide a Government for the District of Columbia"; 20 Stat. 102, ch. 180, 45th Congress, 2nd Session, "An Act Providing a Permanent Form of Government for the District of Columbia."]

293. PROOF OF CLAIM, the UNITED STATES is not a corporate entity operating/functioning in commerce as a bankrupt in Chapter 11 Reorganization wherein; and whereby, the Federal Government represented therein has been dissolved along with said corporations Sovereign Authority; and, the official capacities of all offices, officers, and departments, and said federal Government does not exist today in name only. [See: House Joint Resolution 192 of June 5, 1933, Pub. R. 73-10; Executive Orders 6072, 6102, 6111, and 6246; Senate Report 93-549; Cong. Rec., March 17, 1993, vol. 33, speaker: James A. Trafficant, Jr., which States in part: "Mr. Speaker. We are now here in Chapter 11. Members of Congress are official trustees presiding over the greatest reorganization in world history, the U.S. Government.... It is an established fact that the United States Federal Government has been dissolved by the Emergency Banking Act, March 9, 1933, 48 Stat. 1, Public Law 89-719, declared by President Roosevelt, being bankrupt and insolvent. H.J.R. 192, 73rd Congress in session June 5, 1933 - Joint Resolution to Suspend the Gold Standard and Abrogate the Gold Clause - dissolved the Sovereign Authority of all United States and the official capacities of all United States Government Offices, Officers, and Departments and is further evidence that the United States Federal Government exists today in name only..."]

294. PROOF OF CLAIM, this new "municipal corporation" d.b.a. UNITED STATES GOVERNMENT did not adopt the original organic Constitution for the United States of America as its corporate municipal charter. [See: 41st Congress' Act(s), Session 3, ch. 62, p. 419, Sec. 34, February 21, 1871]

295. PROOF OF CLAIM, the location of the United States/UNITED STATES is not in the District of Columbia. [See: UCC 9-307(h); which States: "Location of United States is located in the District of Columbia."; cf. Title 28 D. C. Code § 28.9-307(h)].

296. PROOF OF CLAIM, this Government for the "District of Columbia" was not abolished by Act of June 20, 1874; and, a temporary Government by "commissioners" was not thereby created and existed until the Act of June 11, 1878, wherein provision was made for the continuance of the "District of Columbia" as a "municipal corporation" controlled by the federal Government through these "commissioners"; and, said corporation is not subject to the ordinary rules that govern the law of procedure between private persons. [See: U.S. Rev. Stat. 1 Supp.

22; 7 D.C. 178; 132 U.S. 1, which States: "The sovereign power is lodged in the Government of the United States, and not the corporation of the district."]

297. PROOF OF CLAIM, the term "United States" as used and employed within the Constitution for the United States of American, at Article III Section 3, is not used in the plural; i.e., them, their; and, does not mean none other than the People of the "several States" and the National Government situated within the ten (10) mile square of the District of Columbia, its enclaves, forts, magazines, docks, and arsenals scattered abroad, under; and only under, said Constitution establishing and ordaining the Original Jurisdiction and the Government for same.

298. PROOF OF CLAIM, the term/word "State" does not mean a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States [See: UCC 9-102(a)(76); cf. Title 28 D.C. Code § 28.9-102(a)(76)]; and, a "State of the United States" is inclusive of the fifty freely associated compact States; i.e., the "several States," but a "State of the United States" is not a corporate or corporately "colored" sub-franchise territorial State unit of the parent corporation; i.e., UNITED STATES.

299. PROOF OF CLAIM, the term "in this State," "this State," and "State" as employed/used within federal and State statutes/laws/ordinances/regulations/codes, and the like; and specifically as this relates to and bears upon the United States Code and ALL Titles thereof, and the two-capital-letter federal postal designation; e.g., AL, GA, KY AND NY and the five-digit ZIP; i.e., Zoning Improvement Plan, code are references to, and are inclusive of the freely associated compact union States; i.e. the "several States," and are not rather terms, designations, and codes defining and referencing federal zones/territorial State units; and, are not defined for tax jurisdiction purposes as the "District of Columbia"; i.e., UNITED STATES, and accordingly "Georgia" is included in such terms, designations, and codes. [See: California Revenue & Taxation Code, §§ 6017, 11205, 17018, and 23034]

300. PROOF OF CLAIM, the "District of Columbia," and the territorial district of the UNITED STATES are "States" within the meaning of the Constitution for the United States of America and the "Judiciary Act" so as to enable a citizen thereof to sue a citizen of one of the States in federal courts, and are not "States" as that word is used in treaties with foreign powers, with respect to the ownership, disposition, and inheritance of property. [See: 2 Cra. 445; 1 Wheat. 91; Charlt.R.M. 374; 1 Kent, Com. 349, which States: "However extraordinary it might seem to be, that the courts of the United States, which were open to aliens, and to the citizens of every State, should be closed upon the inhabitants of those districts [territories and the District of Columbia], on the construction that they were not citizens of a State, yet as the court observed, this was a subject for legislative and not judicial consideration."; 182 U.S. 270; Bouvier's Law Dictionary, Baldwin's Student Edition, Banks - Baldwin Publishing Co. (1804), Cleveland, 1948), Complete Rev. Ed., p. 310]

301. PROOF OF CLAIM, if a nation comes down from its position of sovereignty and enters the domain of commerce, it does not submit itself to the same laws that govern individuals therein; and, does not assume the position of an ordinary citizen therein; and, can recede from the fulfillment of its obligations therein. [See: 74 F.R. 145, following 91 U.S. 398; Swanson v. Fuline Corp., 248 F.Supp. 364, 369 (U.S.D.C. Ore. 1965); Hart v. U.S., 95 U.S. 316, 24 L.Ed. 479; U.S. v. Fulton Distillery, Inc. 571 F.2d 923, 927 (C.A.5 1978)]

302. PROOF OF CLAIM, the united States did not stipulate to becoming "territorial State units of the UNITED STATES for receipt of benefits through the Social Security Act of 1935.

303. PROOF OF CLAIM, the several union States did not accommodate the federal bankruptcy through pledge of its faith and credit to the aid thereof at the Conference of Governors, March 6, 1933. [See: Declaration of Interdependence, January 22, 1937, Book of the States, vol. II, p. 144]

304. PROOF OF CLAIM, the walk-out of the seven (7) southern nation States from Congress March 27, 1861, without setting a day to reconvene or a vote of adjournment; thereby leaving Congress without a quorum, did not dissolve the de jure and de facto Congress of the United States of America, to which President Lincoln responded with force, reconvening Congress within a private military jurisdiction under martial law in his capacity as Commander-In-Chief; and, said Congress does not and is not operating/functioning in same capacity and under same authority to this present day.

305. PROOF OF CLAIM, the Post Civil War "Revisions" of the Constitutions of the freely associated compact union States; i.e., the "several States," such as said revision of "this State's" Constitution in 1874 and thereafter in 1968, did not alter said instruments specifically in one important area; i.e., abolishing the entire class of free "electors" and replacing them with the "elective franchise" (registered voters) in compliance with the "Public Trust"; i.e., the cestui que trust; i.e., a constructive trust; i.e., a trust which is a mixture of law and (not or) fraud as established within and under the purview of the XIVth Amendment to the federal corporate parents' Charter/Constitution formerly adopted; or so alleged, February 27, 1871, thereby; and therein, extending said Public Trust to operate within the several States; and, said revisions of said constitutions did not thereby; and therein dissolve the General Assembly(s): as originally established and ordained, of all the States; and, such did not place these General Assemblies upon the same footing and within the same jurisdiction as that of the Congress wherein; and whereby, their constitutional identity as constitutionally created entities by law was not lost; and, did not cause same to lose all lawful Right, authority, and power to legislate upon any and all subjects for the People of the "several States"; which, did not cause the post civil war "revisions" of all the statutes/laws into "Codes" which did not act to remove the law and leave merely the form/shadow of same; i.e., the legal aspects standing.

306. PROOF OF CLAIM, the "revisions" of the State Constitutions as originally established and ordained, upon cessation of open hostilities of the Civil War in which were destroyed the entire class of "sovereign electors" and replaced by "registered voters" (the elective franchise), such did not destroy "sole proprietorships (or principal creditor ships of, by, and for the People); and, did not replace them with (artificial) corporate franchises under purview of the XIVth Amendment to the federal corporate municipal for-profit parent Government's Charter/Constitution.

307. PROOF OF CLAIM, under the "Instrumentality Rule" the UNITED STATES is not and will not be responsible when the subservient corporation becomes exposed as a mere instrument and actually indistinct from the controlling corporation; i.e., the UNITED STATES; and, The Commonwealth of Texas/THE STATE OF TEXAS, also known by any and derivatives and variations in the spelling of said name, is not operating and functioning as a mere corporate instrument (sub-franchise compact territorial corporate State unit) of the UNITED STATES. [See: Taylor v. Standard Gas & Electric Co., 96 F.2d 693, 704 (C.C.A. Okl.); National Bond Finance Co. v. General Motors Corp., 238 F. Supp. 248, 255 (D.C.Mo.); Dyett v. Turner, Warden Utah State, 439 P.2d 266, 267 (Utah 1967), which States: "The United States Supreme Court, as at present constituted, has departed from the Constitution as it has been interpreted from its inception and has followed the urgings of social reformers in foisting upon this Nation laws which even Congress could not constitutionally pass. It has amended the Constitution in a manner unknown to the document itself. While it take three fourths of the States of the Union to change the Constitution legally, yet as few as five men who have never been elected to office can by judicial fiat accomplish a change just as radical as could three fourths of the States of this Nation. As a result of the recent holdings of that Court, the sovereignty of the States is practically abolished, and the erstwhile free and independent States are in effect and purpose merely closely supervised units in the federal system."]

308. PROOF OF CLAIM, the doctrine of "equal standing" in law and the Maxim of Law: "Disparata non debent jungi" (Dissimilar things ought not to be joined), does not make it perfectly clear that only parties of equal standing can communicate in law.

309. PROOF OF CLAIM, a judgment is not "void for uncertainty" if it fails to identify the parties for and against whom it is rendered with such certainty that it may by readily enforced. [See: 46 Am.Jur.2d, Judgments, §100, which States: "A judgment should identify the parties for and against whom it is rendered, with such certainty that it may be readily enforced, and judgment which does not do so may be regarded as void for uncertainty..."]

310. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a corporate franchise. [See: Black's Law Dictionary, Rev. 4th Ed., p. 408 at CORPORATE FRANCHISE]

311. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not an "idem sonans"; i.e. sounding the same or alike, as with the name of the Undersigned. [See: ibid., p. 880 at IDEM SONANS]

312. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does not represent and is not a "legal name"; i.e., the name of the "legal person" recognized in law. [See: ibid., p. 1040 at LEGAL NAME]

313. PROOF OF CLAIM, a "legal name"; as this relates to and bears upon the "named" defendant within the above referenced alleged Criminal Case/Cause, is not a name constructed upon the "form" and "shadow" of "true name," but without the substance, value, spirit, essence, and the like; and, "legal names" are not the ONLY names recognized, and capable of being recognized, in law today; and, do not denote, identify, and reference "artificial persons."

314. PROOF OF CLAIM, a "legal name"; and specifically as this relates to and bears upon the "named" defendant in the above referenced alleged Criminal Case/Cause, is not written in "legalese"; i.e., a language foreign to and constructed outside the bounds of English grammar.

315. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a "juristic person"; i.e. a "person"; i.e., an "artificial person"; i.e., a "legal person"; i.e. an entity, such as a corporation, created by law [Birth Registration Acts of the various corporate sub-franchise compact territorial State units] and given certain "legal rights [grants/benefit/privileges] and duties of a ***human, a Private Citizen,*** being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a ***human, a Private Citizen,*** being and also termed a "fictitious person," "juristic person," and "legal person." [See: Black's Law Dictionary, 7th Ed. at PERSON, sub-head ARTIFICIAL PERSON]

316. PROOF OF CLAIM, the term "in propia persona"; i.e., "in one's own person," does not tacitly; if not expressly, declare and affirm that there is some other "person" by whom and through whom one can/may act; and, such other "person" is not a corporate "person" (persona).

317. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does not exist only by force of or in contemplation of law; i.e., solely within the imagination having no actual existence.

318. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a "dummy"; i.e., a sham; make believe; pretended; imitation; straw***, a Private Citizen,*** who serves in place of another, or who serves until the "proper person" is named or available to take its place; e.g., as in dummy corporate officers, dummy owners of real estate; and, when its name is called in court; and specifically as this relates to and bears upon the "named" defendant within the above referenced alleged Criminal Case/Cause, and a living, breathing flesh-and-blood "real" man or woman; e.g., the Undersigned, answers believing said "name" to be his own "true name," said "proper person" is not thus found, available, and thereby; and therein, "joined"; without notion all-be-it through fraud. [See: Black's Law Dictionary, Rev. 4th Ed, (1968), p. 591 at DUMMY]

319. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a "dummy corporation"; i.e. a corporation formed for sham purposes and not for conducting legitimate business; e.g., to avoid "personal liability;" and as this relates to and bears upon the above referenced alleged Criminal Case/Cause, to establish the obligation for payment of fines, fees, and specific performance as that of the Undersigned's as an "accommodation party," and "surety" for the Principal; i.e., the all-capital-letter "named" defendant in said Criminal Case/Cause. [See: Black's Law Dictionary, 6th Ed. at DUMMY CORPORATION; UCC 3-419, cf, Title 13, Pa.C.S., §3419; also see: SURETY, VOLUNTARY SURETY, CO-SURETIES, CO-SURETY, SURETY SHIP, BAIL, GUARANTOR, NOVATION, IN SOLIDIO (SOLIDIUM), INVOLUNTARY SURETY SHIP, SURETY SHIP BY OPERATION OF LAW, VOLUNTARY SURETY SHIP in any Law Dictionary of your choosing; UCC 1-201(40), cf. Title 28 D.C. Code § 28.1-201(40)]

320. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged *CIVIL/COMMERCIAL/Criminal Case/Cause* is not an "ens legis"; i.e., a creature of the law; an artificial

being, as contrasted with flesh-and-blood, real, sentient, ***a Private Citizen***, such as the Undersigned, applied to corporations, and considered as deriving their existence entirely from the law. [See: Black's Law Dictionary Rev. 4th Ed., (1968), p. 624 at ENS LEGIS]

321. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a "fictitious name"; i.e., a counterfeit, feigned, or pretended name, differing in some particular essential from a man or woman's "true name," with the implication that it is meant to deceive or mislead, consisting of a Christian name and patronymic (name of the house/father/family; surname). [See: ibid., p. 751 at FICTITIOUS NAME]

322. PROOF OF CLAIM, a "fictitious name" is not the opposite of a "true name" of a man or woman; e.g., the Undersigned's "true name" as shown herein below; and, said "fictitious name" is not created by Public Policy of the corporate UNITED STATES at the time of a man or woman's birth and "brought wholly into separate existence" via the man or woman's birth record/document/instrument thereby; and therein "christening" said "corporate franchise" as a commercial "vessel" under UNITED STATES registry.

323. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not an "individual" as such word/term is used/employed in State and Federal statutes/laws; and, is not defined as a "citizen of the United States"; and, said definition is not a reference to the XIVth Amendment of the corporate UNITED STATES Charter/Constitution; and, said reference does not denote said "named" individual as that of a "trust entity." [See: Title 5 U.S.C., § 552a(a)(2)]

324. PROOF OF CLAIM, that where a federal definition of a term/word exists and is provided, such definition does not supersede any and all definitions given for the same term/word within the sub-franchise compact territorial State units.

325. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a "legal fiction"; i.e. something "assumed" to pretend, to accept without proof, an "assumption" created by the imagination which; without that irksome necessity for proof, allows for truth to be a lie, and a lie to be the truth, establishing essentially the "Doctrine of Pretending," based on pretense, lies, deceit, and dissembling; i.e., to conceal or disguise the true nature of so as to deceive, and to conceal one's true nature; i.e., to act hypocritically.

326. PROOF OF CLAIM, "recognized in law" as applied to these "legal names" of "legal persons" and employed/used within the courts; and specifically the alleged "court of record" within the above referenced alleged Criminal Case/Cause, and legal system today does not mean "existing by force of or in contemplation of law."

327. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does not reference and identify a "public vessel"; i.e., one owned and used by the a nation or Government for its public service; e.g., within its revenue service. [See: Black' Law Dictionary, Rev. 4th Ed., p. 1737 at PUBLIC VESSEL]

328. PROOF OF CLAIM, "public" is not the vast multitude, which includes the ignorant, the unthinking, and the credulous; and, does not reference and identify ONLY "artificial persons" which possess no brain nor intelligence; and, the "public" of the UNITED STATES is not comprised solely of such "artificial persons"; and, Public Law/Policy; State/Federal, does not operate solely upon said "persons."

329. PROOF OF CLAIM, a "vessel" in admiralty law is limited to ships or "vessels" engaged in commerce; and, in admiralty the "names" of "vessels" are not designated in all-capital-letter format/style; and the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does not represent and identify a "vessel" in admiralty in which all jurisdiction ensues, flows, and arises from "contract, real or presumed, expressed or implied, revealed or unrevealed

330. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not referencing and identifying a "straw man or woman" (stramineus homo); i.e., an artificial person created by law having a fictitious name, existing only by force of or in contemplation of law, a distinct "legal entity" (corporate) that benefits the creator; i.e., UNITED STATES, allowing the creator to accomplishing things in the name of the "straw man or woman" that would not otherwise be permitted.

331. PROOF OF CLAIM, the word/term "transmit" does not mean to convey, send, transfer, or to pass along as used and employed within the current present day legal profession and courts.

332. PROOF OF CLAIM, the word / term "utility" in patent law does not mean "Industrial value; the capability of being so applied in practical affairs as to prove advantageous in the ordinary pursuits of life, or add to the enjoyment of mankind." [See: Calison v. Dean, C.C.A.Okl., 70 F.2d 55, 58]

333. PROOF OF CLAIM, the word/term "utility" is not further defined as having some beneficial purpose; and, the degree of "utility" is material. [See: Rob. Pat. § 339; Gibbs v. Hoefner, 19 F. 323]

334. PROOF OF CLAIM, "goods" and "services" from the public venue are not solely accessed; i.e., "transmitted" for billing purposes, in an all-capital-letter formatted name.

335. PROOF OF CLAIM, the all-capital-letter "named" defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a "transmitting utility" i.e., a conduit acting as a nexus between the public venue and, ***a Private Citizen,*** e.g., the Undersigned, and thereby evidencing an industrial value so applied in practical affairs as to prove advantageous and beneficial.

336. PROOF OF CLAIM, the word/term "person" as used/employed in the legal system and science thereof today is not a "general word" which includes in its scope a variety of entities other than "***human, a Private Citizen,*** beings." [See: Church of Scientology v. U.S. Dept. of Justice, 612 F.2d 417, 425 (1970); cf. Title 1, U.S.C., § 1].

337. PROOF OF CLAIM, the word/term "person" cannot be limited by the statutory rule of construction "noscitur a sociis," which teaches that the meaning of a word in a statute may be determined by reference to its association with other words or phrases. [See: 2A C. Sands, Sutherlands Statutes and Statutory Construction ss 47.16, 4th ed., 1973; Lenhoff v. Birch Bay Real EState, Inc., 587 P.2d 1087 (1978)]

338. PROOF OF CLAIM, the statutory rule of construction "ejusdem generis" is not an illustration of a broader rule of statutory construction "noscitur a sociis." [See: State v. Western Union Telegraph Co., 196 Ala. 570, 72 So. 99, 100]

339. PROOF OF CLAIM, the general word/term "person" as applied to the statutory rule of construction "ejusdem generis" is to be construed/interpreted in its widest extent wherein it follows an enumeration of "persons" or "things" by words of a particular and specific meaning; and, is not rather to be held as applying ONLY to "persons" or "things" of the same general kind or class as those specifically mentioned; and, such specific terms do not modify and restrict interpretation of the general term. [See: Black, Interp. of Laws, 141; Goldsmith v. U.S., C.C.A.N.Y., 42 F.2d 133, 137; Aleksich v. Industrial Accident Fund, 116 Mont. 69, 151 P.2d 1016, 1021; King County Water Dist. 68 v. Tax Commission, 58 N.W.2d 282, 284 (1951); Dean v. McFarland, 81 Wash.2d 215, 221, 500 P.2d 1244 (1972)]

340. PROOF OF CLAIM, the origin of the general word/term "person" as defined, fixed, known, used, and employed in the legal system and science of law today is not a "mask an actor wears," and is not the true, correct, and complete signification of said word/term in said system and science. See: Merriam Webster's Collegiate Dictionary, Tenth Edition, 1999, p. 867 (etymology), which States: "ME, fr. O.F. persone, fr. L. persona actor's mask, character in a play, person, prob. fr. Etruscan phersu mask, fr. Gk prosopa, pl. of prosopon face, mask more at PROSOPOPOEIA";

341. PROOF OF CLAIM, under the rule of construction "expressio unius est exclusio alterius" (expression of one thing is the exclusion of another); and specifically as this rule of construction relates to and bears upon the United

States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, where a statute or Constitution/Charter enumerates the things on which it is to operate or forbids certain things, it is not to be construed/interpreted as excluding from its operation all those not expressly mentioned. [See: Co. Litt. 210a; Burgin v. Forbes, 293 Ky. 456, 169 S. W. 2d 321, 325; Little v. Town of Conway, 171 S. C. 27, 170 S. E. 447, 448; cf. "Inclusio unius est exclusio alterius," Burgin v. Forbes, supra]

342. PROOF OF CLAIM, a "person" or "any person" as employed and used in statutes today; and specifically within the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, is not merely a corporation/corporately colored entity, which exists merely by force of or in contemplation of law; i.e., solely within the mind and imagination of a man or woman.

343. PROOF OF CLAIM, the general term "person" or "any person"; and specifically within the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, does include and does apply and refer to a man or woman; i.e., a living, breathing, flesh-and-blood ***human, a Private Citizen,*** being.

344. PROOF OF CLAIM, the general word/term "person" or "any person" as used and employed in statutes today; and specifically within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, does not exclude a man or woman; i.e., a living, breathing, flesh-and-blood ***human, a Private Citizen,*** being from inclusion within the operation of the statute.

345. PROOF OF CLAIM, whereas a "natural person" is defined as a "***human, a Private Citizen,*** being" [See: Black's Law Dictionary, Rev. 4th ed., 1968, p. 1300 at "PERSON"], a term not defined within any Law Dictionary the Undersigned has researched, i.e., "***human, a Private Citizen,*** being," and a "person" being a general term which includes every natural person, firm, co-partner-ship, corporation, association, or organization which is restricted in its interpretation by the specific word/term "corporation," statutes employing and using the term "person" or "any person"; and specifically as this relates to and bears upon the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, is not restricted in its interpretation to that of some form, kind and style of corporate (artificial) entity through such rules of construction as; inter alia, "noscitur a sociis," "ejusdem geris," and "expressio unius est alterius," thereby; and therein, excluding "natural person" (***human, a Private Citizen,*** beings) from the operation of said statute.

346. PROOF OF CLAIM, it is not the nature of Law that what One creates, One controls.

347. PROOF OF CLAIM, this principle of Law; i.e., that what One creates, One controls, is not the natural Law, which binds a creature to its Creator.

348. PROOF OF CLAIM, ***a Private Citizen,*** is not a creature of a Creator.

349. PROOF OF CLAIM, man or woman's Creator is not Jehovah the Living God (YHWH/JHVH); and, ***a Private Citizen,*** is not created in His image; and, He, Jehovah the Living God (YHWH), is not spirit; and, His image (likeness) is not spiritual; and, ***a Private Citizen,*** is not therefore a spiritual entity in possession of a physical body. See: Genesis, Ch. 1, vss. 26-27; Genesis, ch. 2, vss. 21-25; John 4:24; Q. 15:28-29, Q. 19:67; Q. 22:5, Q. 23:12-14, Q. 32:7-9, Q. 38:71-72, Q. 51:56.

350. PROOF OF CLAIM, that, ***a Private Citizen,*** as a creature of Jehovah the Living God (YHWH/JHVH), He and He alone does not by Right of Creation have authority and power to control man or woman.

351. PROOF OF CLAIM, the word/term "natural" as used/employed within the legal profession, science thereof, and present day courts is not defined and to be understood in its vernacular; and, such definition is not "present in or produced by nature"; i.e., the physical/natural world and its "phenomena"; i.e., the laws of nature.

352. PROOF OF CLAIM, the word/term "natural" and "nature" do not share the same Latin origin; i.e., nasci, to be born.

353. PROOF OF CLAIM, "to be born" of natural phenomena (the laws of nature present in or produced by nature (the physical/natural world) in accordance with and pursuant to the laws of nature (natural/physical phenomena) is not an act whereby that which is born is brought into life or being within the physical/natural world.

354. PROOF OF CLAIM, in Riegel v. Hygrade Seed Co., the court did not strongly infer a clear distinction between a "man or woman" and a "person"; and a difference does not exist between; and in, said words/terms as used/employed within the legal profession, science thereof, and present day courts as operating/functioning presently. [See: Riegel v. Hygrade Seed Co., 47 F.Supp. 290, 294 (1942), which States: "False imprisonment has been well defined to be a trespass committed by one, ***a Private Citizen,*** against the person of another..."]

355. PROOF OF CLAIM, if Respondent(s) agree expressly or otherwise, that, ***a Private Citizen,*** is a spiritual being in possession and use of a physical/natural body, said body is not operating/functioning, and existing as a vessel, a shell, a mask through which; and by which, ***a Private Citizen,*** communicates, interacts, and interfaces with; and within, the physical/natural world around him during his physical/natural sojourn within the physical/natural world.

356. PROOF OF CLAIM, it is not man or woman's physical/natural body, which through the act of birth is born of natural/physical phenomena (laws of nature) present in or produced of nature (physical/natural world) in accordance with and pursuant to the laws of nature (natural/physical phenomena), and thereby; and therein, born; i.e., brought, into life and being within the physical/natural world.

357. PROOF OF CLAIM, man or woman's physical/natural body is not by Divine design, function, operation, and definition a "person" as such word/term is used/employed within the legal profession, science thereof, and present day courts.

358. PROOF OF CLAIM, it is not man or woman's physical /natural body upon which, ***a Private Citizen,*** commits a trespass against the "person" of another through the act of false imprisonment; and, ***a Private Citizen,*** can falsely imprison, arrest, detain, restrain, search, and the like the "person" or anything other than a "person" physically/naturally existing within the physical/natural world.

359. PROOF OF CLAIM, man or woman's physical/natural body is not a "natural person"; and, is not the object defined by said word/term as used/employed within the legal profession, science thereof, and present day courts.

360. PROOF OF CLAIM, a statute(s)/law(s); and specifically those contained within the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, which use/employ the word/term "person" are referring to and identifying a "natural person", as opposed to a "corporate/artificial person" which is birthed (berthed) solely within the imagination/mind of, ***a Private Citizen,*** and therein brought wholly into separate existence by force of or in contemplation of law; and, by thus far covered rules of statutory construction, statute(s)/law(s) should not expressly and specifically use/employ the word/term "natural person" if operation of said statute(s)/law(s) are meant to operate over and upon said specific "person"; and, the all-capital-letter "named" defendant within the above referenced alleged *CIVIL/COMMERCIAL/Criminal Case/Cause* is a "natural person."

361. PROOF OF CLAIM, that as the General Assembly (legislature) of the corporate compact territorial unit d.b.a United States of America did not create the man or woman; and specifically as this relates to and bears upon the Undersigned; nor another form, style, kind, and type of corporate juridical construct, it does possess and does have

any authority to control, ***a Private Citizen,*** based upon real or presumed Right of Creation which acts to bind said, ***a Private Citizen,*** to said juridical construct.

362. PROOF OF CLAIM, that to get around this issue of Right of Creation and control the man or woman, the General Assembly (legislature) of the corporate compact territorial unit d.b.a. United States of America did not create an "office of person," an "office" within its corporate structure and venue, which by Right of Creation it controls and regulates.

363. PROOF OF CLAIM, that the corporate compact territorial unit d.b.a. United States of America does not through employment and use of empty, fictitious, and false inducements disguised as benefits, privileges, immunities, grants, and the like backed by threats, duress, and coercion; e.g., "you may not drive, fish, hunt, marry, operate a business, work; in short, live, without a license (permission to do that which would otherwise be illegal) or you will be fined, go to jail, or both," thereby; and therein, inducing a living, breathing, flesh-and-blood, ***a Private Citizen,*** into contract and to occupy/hold the "office of person" created by the General Assembly (legislature) of said corporate construct State and thereby; and therein, control the, ***a Private Citizen,*** through said "office of person"; which, by Right of Creation it controls and regulates.

364. PROOF OF CLAIM, that where this control over, ***a Private Citizen,*** by the corporate compact territorial unit d.b.a. United States of America is achieved by the, ***a Private Citizen,*** occupying/holding the "office of person" and bound thereby; and therein, through nexus of contract, there are not a plethora of administrative agencies, departments, bureaus, and the like; along with countless sub-whatever's therein, operating as "sources of authority" and effectively legislating so-called laws into existence operating over and upon said "office of person" wherein the, ***a Private Citizen,*** is bound through nexus of contract and effectively and completely controlled and regulated.

365. PROOF OF CLAIM, that this legislatively created State/Federal "office of person" is not a mask, a corporate mask/person, a fictional device of artifice created solely for the ability of the corporate compact territorial unit d.b.a. United States of America to accomplish the presumed "voluntary enslavement and servitude (achieved through fraud and deceit of gross proportions) of the, ***a Private Citizen,*** wearing the mask.

366. PROOF OF CLAIM, "residency" within the corporate compact territorial unit d.b.a. United States of America is not a requirement for eligibility of benefits, privileges, immunities, grants and the like from said corporate juridical construct; i.e., United States of America.

367. PROOF OF CLAIM, the "office of person" is not a sub-set/class of "resident."

368. PROOF OF CLAIM, a living, breathing, flesh-and-blood, ***a Private Citizen,*** does not step into, take up, and hold the "office of person" by taking up "residency" within the corporate compact territorial unit d.b.a United States of America thereby; and therein, donning the mask of a "person" within the venue and jurisdiction of said State juridical construct.

369. PROOF OF CLAIM, "residency" is not defined as a "factual" place of abode; living in a particular locality, and requiring only bodily presence as an "inhabitant" of a place. [See: Reese v. Reese, 179 Misc. 665, 40 N.Y.S. 2d 468, 472; Zimmer, ***a Private Citizen,*** v. Zimmerman, 175 Or. 535, 155 P. 2d 293, 295; In re Campbell Guardianship, 216 Minn. 113, 11 N.W. 2d 786, 789]

370. PROOF OF CLAIM, "locality' is not defined as a definite region in any part of space; a geographical position. [See: Warnock v. Kraft, 30 Cal App. 2d 1, 85 P. 2d 505, 506]

371. PROOF OF CLAIM, "space" is not defined as the infinite extension of the three-dimensional - i.e., having height, breadth, and depth field of everyday life. See: The American Heritage Dictionary, Second College Edition, 1982, p. 1169.

372. PROOF OF CLAIM, "inhabitant" is not defined as One who resides actually and permanently in a given place, and has his domicile there. [See: Ex parte Shaw 12 S. Ct. 935, 145 U.S. 444, 36 L. Ed. 768; The Pizarro, 2 Wheat. 245, 4 L. Ed. 226]

373. PROOF OF CLAIM, "residency" is not therefore a "real" geographical location, region, or position existing within three-dimensional space in which a living, breathing, flesh-and-blood man or woman; possessing a body, may bodily be present in a fixed and permanent manner wherein is his domicile and thereby; and therein, constitutes him an inhabitant.

374. PROOF OF CLAIM, a living breathing, flesh-and-blood man or woman; and specifically as this relates to and bears upon the Undersigned, can take up "residence" and bodily inhabit the artificial/fictional juridical construct of the corporate compact territorial unit d.b.a. United States of America which exist solely within the mind/imagination of, ***a Private Citizen,*** by force of or in contemplation of law.

375. PROOF OF CLAIM, a living, breathing, flesh-and-blood man or woman; and specifically as this relates to and bears upon the Undersigned and the above referenced alleged Criminal Case/Cause, does not need to hold/occupy an "office" within the corporate compact territorial unit d.b.a. United States of America; e.g., "office of person," for said corporate juridical construct's General Assembly (legislature) to regulate and control said man or woman.

376. PROOF OF CLAIM, the right and authority of the General Assembly (legislature) of the corporate compact territorial unit d.b.a. United States of America to regulate and control living, breathing, flesh-and-blood man or woman; and specifically as this relate to and bears upon the Undersigned through operation of the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof as in above referenced Criminal Case/Cause, which is not occupying/holding any "office"; e.g., "office of person," within the corporate Federal juridical construct is not also prohibited by the Bill of Rights contained within the Charter of said construct. [See: Constitution of/for the United States of America (1789, as amended 1791) articles in amendment I---XIII]

377. PROOF OF CLAIM, whereas the XIIIth Amendment to the Constitution/Charter of the federal municipal for-profit corporate Government juridical construct d.b.a. UNITED STATES prohibits involuntary slavery and servitude; voluntary slavery and servitude are prohibited by this same Amendment. [See: U.S. Const., XIIIth Amendment, Sec. I, cf. XIVth Amendment, Sec. I]

378. PROOF OF CLAIM, the corporate compact territorial unit's d.b.a. United States of America manner of inducing a living, breathing, flesh-and-blood, ***a Private Citizen,*** into occupying/holding the "office of person" within said construct; i.e., fraud, deceit, artifice, threats, duress, coercion, and the like, does not constitute involuntary slavery and servitude prohibited by its parent corporate juridical Government construct's Charter, and does not thereby; and therein, constitute "ultra vires" acts; i.e., acts beyond the scope of the powers of a corporation, as defined by its Charter or act of incorporation, which applies not only to acts prohibited by its Charter, but acts which are in excess of powers granted and not prohibited. [See: State ex rel. v. Houston Trust Co., 168 Tenn. 546, 79 S.W. 2d 1012, 1016; State ex rel. Supreme Temple of Pythian Sisters v. Cook, 234 Mo. App. 898, 136 S.W. 142, 146; Community Federal Sav. & Loan Ass'n of Independence, Mo. v. Fields, C.C.A. Mo., 128 F. 2d 705, 708; In re Grand Union Co., C.C.A.N.Y., 219 F. 353, 363; Staake v. Routledge, 111 Tex. 489, 241 S.W. 994, 998; Pennsylvania R. Co. v. Minis, 120 Md. 461, 496, 87 A. 1062, 1072]

379. PROOF OF CLAIM, a "crime" and the allegation thereof; and specifically as this relates to and bears upon the above referenced alleged Criminal Case/Cause, is not by definition an offense committed against the "State" and an offense committed against a living, breathing, flesh-and-blood, ***a Private Citizen,*** is not by definition a "tort," which may be; inter alia, in the nature of a personal injury, slander, or defamation of character. [See: Wilkins v. U.S. C.C.A.Pa., 96 F. 837, 37 C.C.A. 588; People v. Williams, 24 Mich. 163, 9 Am. Rep 119]

380. PROOF OF CLAIM, a "crime" is not those wrongs, which the Government notices as injurious to the "public," and punishes in what is called a "criminal proceedings," in its own name. [See: 1 Bish.Crim.Law, §43; In re Jacoby, 74 Ohio App. 147, 57 N.E.2d 932, 934, 935]

381. PROOF OF CLAIM, the distinction between a "crime" and a "tort" is not that the former is a "breach" and violation of the public right and duties due to the whole community considered as such, and in its social aggregate.

382. PROOF OF CLAIM, the "public," "community," "social aggregate," and the like which comprises the United States of America is not composed solely of "artificial persons," ens legis corporate entities in the form of some "office"; e.g., "office of a person," "resident," "citizen," and the like operating, functioning, and existing as a mask worn by a living, breathing, flesh-and-blood, ***a Private Citizen,*** as an actor within the venue and upon the stage of the corporate juridical construct and bound thereto; and therein, through nexus of contract with said corporate State/Federal juridical construct; and, said "public," "community," "social aggregate," and the like is composed of living, breathing, flesh-and-blood men.

383. PROOF OF CLAIM, a living, breathing, flesh-and-blood man or woman; and specifically the Undersigned in relation to the above referenced alleged Criminal Case/Cause, can commit a "crime" or "public offense," and can cause an injury to an artificial corporate entity existing only within the mind/imagination of, ***a Private Citizen,*** by force of or in contemplation of law and, a "breach" of the public right and duties due which would constitute a "crime" or "public" offense or would be "injurious" to the public and therefore is punished in the name of the UNITED STATES is not and must not ensue from contract; e.g., between the Undersigned and the UNITED STATES binding the Undersigned to the corporate policy and therefore liable for "breaches" thereof on the part of the Undersigned.

384. PROOF OF CLAIM, whereas a living, breathing, flesh-and-blood, ***a Private Citizen,*** cannot commit a "crime," "public offense," or injury against an artificial corporate Government juridical construct, its "public," "community," "social aggregate," and the like which solely exist as artificial entities and without tangible substance or actual existence; and specifically as this relates to the United States and the Undersigned, a conviction, sentence, commitment, and term of imprisonment for a non-existent "crime" or "public offense" which cannot possibly be carried out does not constitute involuntary slavery and servitude in violation of the parent corporate Government's Charter at the XIIIth and XIVth Amendments thereto; and, does not therein; and thereby, constitute "ultra vires" acts on the part of said Government actors/agents involved therein.

385. PROOF OF CLAIM, all political power is not inherent in the "People"; and, the use of the word/term "people" rather than "person" as elsewhere within the text of the Constitution/Charter does not declare beyond any doubt the People are the sovereign political power holders. [See: Constitution of/for the United States of America (1789, as amended 1791) Preamble; Art. I, § 2, cl. 1; Art I, § 3, cl. 1; Amends. IX, and X]

386. PROOF OF CLAIM, this principle of inherent political power does not demonstrate the natural law and the natural flow of delegated power.

387. PROOF OF CLAIM, in "common usage" the word/term "person" does include the Sovereign member of the People; and, statutes/laws which use/employ the word/term "person" are not construed to exclude the Sovereign member of the People. [See: Wilson v. Omaha Tribe, 442 U.S. 653, 667 (1979), quoting: United States v. Cooper Corp., 312 U.S. 600, 604 (1941); United States v. Mine Workers, 330 U.S. 258, 275 (1947)]

388. PROOF OF CLAIM, the "People" have not succeeded to the rights of the King, the former sovereign of the State; and, are therefore bound by "general words" in a statute without being expressly named therein. [See: The People v. Herkeimer, Gentle, One &c, 4 Cowen 345, 1825 N.Y. LEXIS 80]

389. PROOF OF CLAIM, the federal corporation d.b.a. UNITED STATES does not fully embrace the Sovereign member of the People immunity theory. [See: ReStatement (Second) of Torts 895B, comment at 400 (1979)]

390. PROOF OF CLAIM, the living, breathing flesh-and-blood "People" are not the Sovereign's member of the People; without subjects, and are not superior to the State/State. [See: Chisholm v. Georgia (February Term, 1793), 2 U.S. 419, 2 Dall. 419, 1 L.Ed. 440, which States: "I shall have occasion incidentally to evince, how true it is, that States and Governments were made for man or woman; and same time how true it is, that his creatures and servants have first deceived, next vilified, and at last oppressed their master and maker... A State, useful and valuable as the contrivance is, is the inferior contrivance of man or woman; and from his native dignity derives all its acquired

importance... Let a political State be considered as subordinate to people; but let everything else be subordinate to the State... As the State has claimed precedence of the people; so, in the same inverted course of things, the Government has often claimed precedence of the State; and to this perversion in the second degree, many of the volumes of confusion concerning Sovereignty owe their existence... This second degree of perversion is confined to the old world,... but the first degree is still too prevalent even in the several States, of which our union is composed. By State I mean, a complete body of free persons united together for their common benefit, to enjoy peaceably what is their own, and to do justice to others. It is an artificial person. It has its affairs and its interests; It has its rules; It has its rights; and it has its obligations. It may acquire property distinct from that of its members. It may incur debts to be discharged out of the public stock, not out of the private fortunes of individuals. It may be bound by contracts; and for damages arising from the breach of those contracts. In all our contemplations, however, concerning this feigned and artificial person, we should never forget, that, in truth and nature, those who think and speak and act, are men. Is the foregoing description of a State a true description? It will not be questioned, but it is... It will be sufficient to observe briefly that the sovereignties in Europe, and particularly in England, exist on feudal principles... The same feudal ideas run through their jurisprudence, and constantly remind us of the distinction between the prince and the subject. No such ideas obtain here [speaking of America]; at the revolution, the Sovereignty devolved on the people; and they are truly the Sovereigns of the country, but they are Sovereigns without subjects... and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the Sovereignty."]

391. PROOF OF CLAIM, the United States did create the "office of Sovereign political power holder"; and, can ascribe penalties for "breach" of said "office" supported by a contract obtained through "full disclosure" wherein a "fair or valuable consideration" was given.

392. PROOF OF CLAIM, the decision of the court in Hale v. Henkel does not contrast the Sovereign paradigm and the corporate franchise feudal paradigm. [See: Hale v. Henkel, 201 U.S. 43, 47 (1905)]

393. PROOF OF CLAIM, the use/employment of the word/term "individual" in Hale v. Henkel rather than "Sovereign" member of the People; as in: "The individual may stand upon his constitutional rights as a citizen,..." does not establish and demonstrate the principle that the Sovereign member of the People; being a non-signatory to the Constitution and a non-party to this social compact, therefore has no rights created by said compact as his rights; i.e. the Sovereigns member of the People, existed by the law of the land (common-law) long antecedent to the organization of the State, that said Rights are not inherent, and are not solely "secured" by the social compact, not granted thereby nor created therein; and, said constitutional rights; e.g., The Bill of Rights, are grants, but are not rather prohibitions as they operate upon the agents of Government through contractual nexus not to violate them in respect to the People, and not to construe such as to deny or disparage others retained by the People.

394. PROOF OF CLAIM, that the Supreme Court of the UNITED STATES has overturned Hale v. Henkel; or, any of the various issues of this case.

395. PROOF OF CLAIM, a Sovereign member of the People, ***a Private Citizen,*** can be named in a statute/law; and specifically as this relates to and bears upon the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, as merely a "person" or "any person" or any other abstraction acting as a label and thereby failing to name the Sovereign member of the People by specific and particular words. [See: Wills v. Michigan State Police, 105 L.Ed.2d 45 (1989)]

396. PROOF OF CLAIM, that whereas the corporate compact territorial unit d.b.a. United States of America charter declares all "men" are free, the same does hold true and all "persons" are free.

397. PROOF OF CLAIM, the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof in using/employing the word term "person," such word term should not be interpreted to mean a corporation corporately colored entity. [See: 73 C.J.S., Property, § 10; 63A Am.Jur.2d, Property, § 2]

398. PROOF OF CLAIM, an "attorney" is not an "officer of the court," and as such, is not an "officer" and "arm" of the State. [See: 7 C.J.S., § 4; Virgin Islands Bar Assoc. v. Dench, D.C. Virgin Islands, 124 F.Supp. 257]

399. PROOF OF CLAIM, an "attorney" is not a "State Officer" and as such is not firmly part of the Judicial Branch of the State allegedly "licensed" to practice law by the Chief Justice of the Supreme Court.

400. PROOF OF CLAIM, an "attorney"; i.e., a State Officer of the Court firmly entrenched in the Judicial Branch of Government, is not therefore barred under the "Separation of Powers" Clause; and, the prohibition of multiple title holdings within the Constitution(s)/Charter(s) of both the State and federal juridical Government constructs from holding any position or office outside the judicial branch of said Government; e.g., office of the President/Governor, office of a Representative/Senator, is not un-lawful and a felony as defined within the United States Code.

401. PROOF OF CLAIM, an "attorney's" first duty is not to the court and public, and not to the client; and, wherever the duties to his client conflict with those he owes as an "officer of the court" in the administration of justice, the former must not yield to the latter; and, such duty to the court can be shirked under the guise of representing a client. [See: 7 C.J.S., § 4]

402. PROOF OF CLAIM, the duty of an "attorney" is not to the court if a litigant client's interest threatens a State/Federal interest. [See: 7 C.J.S., § 43]

403. PROOF OF CLAIM, an "attorney" who is admitted to practice, both by virtue of his oath of office and customs and traditions of the legal professions, does not owe to the court the highest duty of fidelity as an "esquire"; i.e., a shield bearer, to the master he serves. [See: 7 C.J.S., § 4]

404. PROOF OF CLAIM, all courtrooms in America today; and specifically the alleged "court of record" within the above referenced alleged Criminal Case/Cause, are not commercial market places dealing in matters bearing exclusively upon the private, commercial scrip known as "Federal Reserve Notes" (F.R.N.'s), under the jurisdiction of a foreign, occupying, militaristic power, that are managed from the "bench" from the Italian "banca" for "bank" which is not broken in half; i.e., bankrupt, administered by merchant bankers called; inter alia, judges and magistrates; and, who are not enforcing private, copyrighted, corporate policy known as; inter alia, "Code(s)"; which, is not wholly owned by British Corporations under the aegis of The Crown.

405. PROOF OF CLAIM, a living, breathing, flesh-and-blood, ***a Private Citizen,*** by retaining or accepting the services of an "attorney," to speak or file written documents for him, is not presumed, deemed, construed, and the like to be "non compos mentis"; i.e., not mentally competent.

406. PROOF OF CLAIM, a living, breathing, flesh-and-blood, ***a Private Citizen,*** presumed, deemed, construed, and the like to be "non compos mentis" is not further damned as being a "ward of the court."

407. PROOF OF CLAIM, a living, breathing, flesh-and-blood, ***a Private Citizen,*** considered to be a "ward of the court" does not lose all his rights; and, will be permitted to do anything therein.

408. PROOF OF CLAIM, the creation of these "corporate franchises"; i.e., all-capital-letter entities; e.g., the all-capital-letter "named" defendant within the above referenced alleged Criminal Case/Case, did not accomplish two (2) primary objectives, to wit: 1) Taking away absolute property rights (in personam); and, 2) Replace same with personal property rights (in rem) regardless of race.

409. PROOF OF CLAIM, "in personam" jurisdiction does any longer apply to the average man or woman; and, has not become a "mask" (personae) by which he is defrauded, raped, pillaged, and plundered.

410. PROOF OF CLAIM, these "corporate franchises" are not laboring under a conclusive presumption (statutorily imposed), judicially established, that they are "citizens" and "subjects" of the State of incorporation; i.e., port of entry (State of birth of the, ***a Private Citizen,*** and State of berth of the "vessel") for which an estoppel has not been imposed upon anyone denying such citizenship. [See: Marshall v. Baltimore & Ohio R.R. (1853), 16 How. (U.S.) 314; Covington Drawbridge Co. v. Shepard (1857), 20 How (U.S.) 227; U.S. v. One 1966 Chevrolet Pickup Truck, 56 F.R.D. 450 (1972); U.S. of A. v. $3,976.62 in Currency, One 1960 Ford Station Wagon, 37 F.R.D. 564;

U.S. v. Slater, 82-2 U.S.T.C. 9571; Rachel Templeton v. Internal Revenue Service, 86-1363 on appeal from 85 C. 457]

411. PROOF OF CLAIM, that any estoppels can be imposed upon a presumption by statute or otherwise.

412. PROOF OF CLAIM, a "corporate franchise" is not defined non-obstante as "The right to exist and do business as a corporation. The right or privilege granted by the State or Government to the persons forming an aggregate corporation, and their successors, to exist and do business as a corporation and to exercise the rights and powers incidental to that form of organization, under 'contract,' or necessarily implied in the grant."

413. PROOF OF CLAIM, a Charter of a corporation; e.g., the Charter/Constitution of the UNITED STATES OF AMERICA, 1871, is not said corporation's "general franchise"; and, a "special franchise" does not consist in any rights granted by the "public" to use property for "public use" but with private profit. [See: Title 31, U.S.C., § 321(d) (2); Black's Law Dictionary, Rev. 4th Ed., 1968, p. 1669 at TRANSFER]

414. PROOF OF CLAIM, a "franchise" is not a "capital asset" resulting in capital gain or loss, depending on whether all significant powers, rights, or continuing "interests" are "transferred" (after the fact) pursuant to the sale of a "franchise." [See: Rules Against Perpetuities: Use; Null Charter; and, The Uniform Fraudulent Conveyances Act (Principal Provisions), Section 4, MT 57 (16) 0-2, Internal Revenue Manual - Administration, 392 2-87, Exhibit 800-1, p. 8051, which States: "Every conveyance or transfer made or executed without a fair or valuable consideration is void ab initio."; see also: GRANT, GRANTOR; and, GRANTOR TRUSTS in any Law Dictionary of Respondent (s') choice]

415. PROOF OF CLAIM, a "capital asset" is not inclusive of a ***human, a Private Citizen,*** resource; i.e. a ***human, a Private Citizen,*** being; i.e., biological "goods."

416. PROOF OF CLAIM, a "transfer" of property is not an act of the parties, or of the law, by which the title to property is conveyed from one, ***a Private Citizen,*** or person to another, ***a Private Citizen,*** or person; the sale and every other method, direct or indirect, of disposing of or parting with property or with an "interest" therein, or with the possession thereof (always by delivery or "livery of seisen"), or of fixing a secret indelible maritime lien upon property or upon an "interest" therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, hypothecation, mortgage, lien, encumbrance, gift, security, or otherwise. [See: Title 12, U.S.C., § 411; Title 18, U.S.C., § 3613(c) - 49 Stat. 620, § 207; Title 31, U.S.C., § 321 (d) (2); Title 15, U.S.C., §§ 1 et seq. 17]

417. PROOF OF CLAIM, a "transfer" is not an "assignment" or "conveyance" of property, including an instrument or document that "vests" in the transferee such rights as the transferor had therein; and, is not a general term; i.e., all-encompassing term, used by the Uniform Commercial Code as Codified in the United States Code and Code of Federal Regulations to describe the act that passes an "interest" in an instrument to another. [See: Title 28 D.C. Code §§ 28.3-201(1) and 28.7-504(1); Scheid v. Shields, 269 Ore. 236, 524 P.2d 1209, 1210; Hayter v. Fern Lake Fishing Club, 318 S.W.2d 912, 915 (Tex. Civ. App.)]

418. PROOF OF CLAIM, it is not the retention or relinquishment of this "interest" in every species of contract that determines who the Creditor and who the Debtor are and said parties "reasonable expectations" as to whom will succeed in any contract dispute arising from such a legal or commercial transaction.

419. PROOF OF CLAIM, whereas "transfer" means every mode; direct or indirect, absolute or conditional, voluntary or involuntary, in disposing or parting with property or with an "interest" in property; it may not include retention of the "res" and title (the "legal interest") upon proper terms, as a "security interest," or foreclosure of the debtors equity of redemption, as an unliquidated claim to the holder in due course, having given value and secured the accrued right of action for enforcement purposes. [See: Title 11, U.S.C., § 101 - Bankruptcy Code]

420. PROOF OF CLAIM, these "corporate franchises" are not governed by the and maritime law of England. [See: Unification Act of 1964, 4 F.R.D. 325; Black Diamond S.S. Corp. v. Stewart & Son's, 336 U.S. 386, 403, 69 S.Ct.

622, 93 L.Ed.2d 754; Romero v. Int'l Terminal Operating Co. (1959), 358 U.S. 354, 79 S.Ct. 468, 3 L.Ed.2d 368; In re Alexander McNeil, 80 U.S. (13 Wall.) 236, 20 L.Ed. 624]

421. PROOF OF CLAIM, Title 28 of the United States Code, Federal Rules of Civil Procedure (F.R.Civ.P.) is not an admiralty rule book which governs ALL disputes over maritime contracts "in rem," or "quasi in rem," and "actions" or "transactions" that impose a debt, duty, obligation, or liability; e.g., an unliquidated claim and an accrued right of action; and, said Rules of Civil Procedure as adopted and in use/employment within the United States as contained in the United States Code are not also an admiralty rule book aping its corporate parent's Rule Book. [See: U.S. v. Kirkpatrick, 186 F.2d 3931]

422. PROOF OF CLAIM, there is not a two (2)-part test to determine existence of traditional admiralty jurisdiction; and, those two (2) parts are not: 1) It must be established; and, 2) It must be proven. [See: National Sea Clammers Assoc. v. New York, 616 F.2d 1222 (C.A.3 N.J. 1980), vacated on grounds, 453 U.S. 1, 69 L.Ed.2d 435, 101 S.Ct. 2615]

423. PROOF OF CLAIM, there is not a four (4) part test to determine traditional maritime jurisdiction; and, those four (4) parts are not: 1) What are the functions and rule of the parties (the terms of the contract); 2) What are the types of vehicles and instrumentalities used (reward contract and duty to perform); 3) What is the causation (breach of contract and duty to perform) and type of injury (breach of warranty to pay - by the fraudulent debtor); and, 4) Can the traditional concepts of rule of admiralty law be applied (who is the debtor and who is the creditor). [See: Oman v. Johns - Manville Corp., 764 F.2d 224 (C.A.4 Va. 1985), cert. den. 88 L.Ed.2d 319, 106 S.Ct. 351; U.C.C. Article 9 - Secured Transactions, cf. Title 28 D.C. Code: Article 9 - Secured Transactions]

424. PROOF OF CLAIM, that ALL contracts with Government; i.e., UNITED STATES and ANY AND ALL "STATE OF" sub-franchise compact territorial State units; be they real or presumed, express or implied, revealed or unrevealed are not maritime in their nature and are not therefore of admiralty jurisdiction. [See: The Glide, 167 U.S. 606; The Corsair, 145 U.S. 342; American Ins. Co. v. Cantor, 1 Pet. (U.S.) 511, 545 (1828)]

425. PROOF OF CLAIM, a case/matter in admiralty does in fact arise under the Constitution or Laws of the United States of America. [See: American Ins. Co. v. Cantor, 1 Pet. (U.S.) 511, 545 (1828)]

426. PROOF OF CLAIM, in 1697, the British Board of Trade, under the Navigation Act, did not establish vice-admiralty courts set-up under the Townsend Acts, to provide a separate forum for "corporate franchise" merchants under license, or charter of the king, to resolve contractual disputes over the "transfer" or "conveyance" of "interests in property, as well as property itself; more often than not, being disputes over "chattel paper," as opposed to money of different weight and fineness having numismatic or intrinsic value, and said disputes generally involving a controversy over the "transfer" of an "interest" (res and title) to the property involved, or upon the terms or conditions of its delivery (livery of seisen); and, said merchant system was not introduced in England since before 1290 A.D. ; and, did not evolve into a system of registration, first called "The Great Exchequer of the Jews," which operated to effect a security transaction and livery of seisen (Jewish mortgage; i.e., a "dead-gage," a pawn or pledge; something deposited as security for the performance of some act or the payment of money which; on failure or non-performance, is forfeited. A mortgage being a dead-gage as whatever profit it yields, it redeems not itself unless the whole amount secured is paid at the appointed time); which, did not have more influence upon the common-law (legal) mortgage than is generally believed; which, today is called a legal and/or equitable (contractual) mortgage through the registration of any written document/instrument; e.g., the registration of live birth of a child, that describes the property and transfers a security interest in the property, to effect a lien and secure contract obligations; e.g., a U.C.C.-1 Financing Statement. [See: Rabinowitz, The Story of the Mortgage Retold (1945), 94 U.Pa.L.R. 94; The Common Law Mortgage and the Conditional Bond (1943), 92 U.Pa.L.R. 179; Kamberg, Commercial Law According to the Talmud (1933), 38 Commercial Law Journal 239; 3 Tiffany, Real Property, 2nd Ed., 2373-2743]

427. PROOF OF CLAIM, this system of admiralty and or maritime jurisdiction has not evolved today to the point that whenever the United States is a party to an action, "Chancery" is not adopted which jurisdiction is not conferred on federal and State courts by the Constitution, now statute and charter, and usages of "Chancery" in England whom furnish Chancery law that is exercised. [See: 17 How. (U.S.) 478; Pennsylvania v. Wheeling & Belmont Bridge Co. (1852), 54 U.S. 518, 14 L.Ed. 249]

428. PROOF OF CLAIM, "Chancery" jurisdiction is not synonymous with "general equity jurisdiction," which is practiced according to State law or local practice and is not practiced according to the law of England. [See: 2 Sumn. 401; 3 Wheat. 211; 2 McLean 568; 15 Pet. 9; 11 How. 669]

429. PROOF OF CLAIM, "Chancery" jurisdiction is not a "special" maritime jurisdiction "in rem."

430. PROOF OF CLAIM, "in rem" is not a technical term used to designate proceedings or actions instituted against the "thing" (res), in contradistinction to personal actions which are "in personam"; and, do not include judgments of property as forfeited (or forfeitable as property previously pledged or hypothecated. [See: 12 U.S.C., §411], or as prize in the admiralty, or the English Exchequer), but also the decisions of other courts upon the personal status, or relations of the party; such as, marriage, divorce, bastardy, settlement, or the like. [See: 1 Greenl. Ev., § 525; 541 Bro.Civ. and Adm. Law, 98; 2 Gall.R. 200; 3 T.R. 269, 270; Tetley, Int'l C. of L., 1994, p. 795; Judiciary Act of 1789, Sec. 9, 1 Stat. 77; The Moses Taylor, 4 Wall. (U.S.) 411, 431 (1866); see also: "QUASI IN REM"]

431. PROOF OF CLAIM, "Chancery" or "General Equity" jurisdiction is not ordinarily exercised to enforce pledges, trusts, uses, confidences, and other forms of contracts; and, does not come to America right out of the "King and Queen's Bench," regarding the law for bankruptcy and insolvent debtors; and, is not separate and distinct from the lex non-scripta (Anglo-saxon common-law). [See: Norback v. Bd. of Dir. of Church Ext. Soc., 84 Utah, 37 P.2d 339; 129 U.S. 45, 46]

432. PROOF OF CLAIM, "forfeiture" is not an action of debt, and as such, does not begin in admiralty whether on land or navigable water. [See: United States v. $5,372.85, 283 F.Supp. 904 (1968)]

433. PROOF OF CLAIM, where it has been Stated that the forms of proceeding between actions at law and suits in equity have been abolished, such is not misleading; and, such proceedings have not rather been judicially merged as of 1938 and 1966; and, the difference in substance between law and equity is not firmly imbedded in the Constitution and does not remain unaltered. [See: Robinson v. Campbell (1818), 16 U.S. 212, 4 L.Ed. 372; Bennett v. Butterworth (1851), 52 U.S. 669, 13 LEd. 859; Thompson v. Railroad Cos. (1868), 73 U.S. 134, 18 L.Ed. 765; Ellis v. Davis (1883), 109 U.S. 485, 27 L.Ed. 1006, 3 S.Ct. 327; La Abra Silver Mining Co. v. U.S. (1899), 175 U.S. 423, 20 S.Ct. 168, 44 L.Ed. 223; Commercial National Bank v. Parsons, 144 F.2d 231 (C.A.5 La. 1944), reh. den. (C.A.5 La.) 145 F.2d 191, cert. den. 323 U.S. 796, 65 S.Ct. 440, 89 L.Ed. 635; Phillips Petroleum Co. v. Johnson (C.A.5 Tx. 1946), 155 F.2d 185, cert. den., 329 U.S. 730, 67 S.Ct. 87, 91 LEd. 632]

434. PROOF OF CLAIM, maritime jurisdiction is not implemented by "in rem" or "quasi in rem" attachment over the "res"; and, does not depend upon the actual physical control of the "res" at the time litigations are begun; and, such maritime jurisdiction "in rem" over the "res" is not judicially recognized by the Supreme Court. [See: The Belgenland, 114 U.S. 355 (1885); The Rio Grande, 4 Wash.C.C. 53, 30 Fed. Case No. 17804 (1821); Cooper v. Reynolds, 10 Wall. (U.S.) 308 (1870); Pennoyer v. Neff, 95 U.S. 714 (1877) (no attachment); Free, ***a Private Citizen,*** v. Alderson, 119 U.S. 185, 7 S.Ct. 165, 30 L.Ed. 372 (1886); Starkey v. Lunz, 57 Ore. 147, 110 P. 702 (1910) (attachment void); but see under "Privilegia Londini" or "Custom of London," 1 Bl.Com. 75; 3 Steph.Comm. 588; and, the Common Law Procedure Act of 1854, §§ 60-67 to effect the conclusive presumption that "the situs of every debts is at the domicile of the creditor." Waring v. Clark, 46 How. (U.S.) 441 (1847)]

435. PROOF OF CLAIM, "attachment" is not the act or process of taking, "apprehending," or seizing persons or property, by virtue of a writ, summons, or other judicial order ("warrant of arrest"), and bringing the same into the custody of the law for the purpose of bringing a person (e.g., an absconding, concealed, or fraudulent debtor) before the court of acquiring jurisdiction over the property seized, to compel an appearance, to furnish security for debt or costs, or to arrest a fund in the hands of a third party (garnishment/Custom of London); and, is not a remedy ancillary to an action by which a plaintiff; specifically the UNITED STATES OF AMERICA as in the above referenced alleged Criminal Case/Cause, is enabled to acquire a lien (mortgage) upon property or effects of the "named" defendant; and specifically the "named" defendant within the above referenced alleged Criminal Case Cause, for satisfaction of judgment, which plaintiff may obtain where the defendant is a non-resident, or beyond the territorial jurisdiction of the court, his goods or lands within the territory may be seized upon process of "attachment"; whereby he will be compelled to enter an appearance, or the court acquires jurisdiction so far as to dispose of the property attached; and, said form of "attachment" is not also termed "foreign attachment"; and, such a

proceeding does not become in substance one "in rem" against the attached property which more properly does not belong to a process otherwise familiarly known as "garnishment," a peculiar and ancient remedy open to creditors within the jurisdiction of the city of London (Custom of London); and, is not a power and process variously denominated as "garnishment," "trustee process," or "factorizing." [See: Megee v. Beirne, 39 Pa. 50; Bray v. McClurry, 55 Mo. 128; Raiguel v. McConnell, 25 Pa. 362, 363; Welsh v. Blackwell, 14 N.J.Law 346]

436. PROOF OF CLAIM, the warrant of arrest used/employed within the above referenced alleged Criminal Case/Cause is not in nature and actuality some manner and form of "attachment" proceeding according to equity rather than proceeding according to common-law.

437. PROOF OF CLAIM, the "law of persons and things" is not the "law of status"; and, the "law of things" is not the "law of property"; or better yet, "contract."

438. PROOF OF CLAIM, whereas a "person" as such word/term is used/employed within statutes/laws/codes/regulations/rules/ordinances, and the like; and specifically within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, is a subject of "rights" ("person of inherence" [entitled]) and duties ("person of incidence" [bound]), and as a subject of a right, the "person" is the object of the correlative duty, such "rights are not "legal rights"; which, are not more properly and accurately defined as "benefits/privileges"; and, "duty" is not more properly and accurately defined as "obligations"; which, do not arise from the acceptance (possession) and "use" of such "rights"; and this correlative relationship of "benefits and obligations" does not arise from "contract" between the parties, real or presumed, expressed or implied, revealed or unrevealed. [See: Black's Law Dictionary, Rev. 4th Ed (1968), pp. 1299 - 1300 at "PERSON"]

439. PROOF OF CLAIM, where a "benefit(s)" is compelled; and specifically if said "benefit(s) is in the nature of an economic benefit(s), the correlative "obligation" can be enforced, compelled, demanded, extracted, and the like. [See: Maynard Mehl v. John H. Norton, No. 31,338, 201 Minn. 203, 275 NW. 843, 1937; W.H. Shearon v. Travis Henderson, Guardian, etc., 38 Tex. 245 (1873); Jo Elaine Bailey Woodland v. Shirley Wisdom, No. 06-97-00083-CV, 975 S.W. 2d 712 (1998); Charles L. Black Aycock et al. v. F.H. Pannhill, Sr. et al., 853 S.W.2d 161 (1993); F.M. Smith v. Texas Commerce Bank - Corpus Christi, NA., et al., 822 S.W.2d 812 (1992); Frances Jackson Rogers v. David Or, ***a Private Citizen,*** Rogers, Jr. 806 S.W.2d 886 (1991)]

440. PROOF OF CLAIM, President Lincoln did not replace the Constitution, law, custom, and tradition of America with Roman, Civil Law by Justinian, which was available as a codified whole and of which he was an able scholar.

441. PROOF OF CLAIM, the principle of "novation"; i.e., the substitution of an old debt with a new one, contained within the Roman Civil Law, did exist in America prior to the Civil War and Congressional Walk-Out of the Southern States there from and said Congress' reconvening under martial law by President Lincoln in his capacity as Commander-In-Chief.

442. PROOF OF CLAIM, this principle of "novation" is not accomplished by the registration, recording, and enrollment of the birth document/instrument (however termed/styled) of a new born child when the "interest" in biological property/goods is transferred and recorded, originally at the County Recorder's Office, sent to the Secretary of State, exported to the Department of Commerce through the Bureau of the Census therein; and thereof, thereby effectuating the process of "conversion" of a man or woman's life, labor, and property to a "capital asset" of the UNITED STATES and said process of "novation" being complete and ratified when said child/, ***a Private Citizen,*** assents to being a debtor by submitting an application for a benefit, privilege, immunity, or opportunity from any branch, agency, or instrumentality of the parent municipal for-profit corporate Government d.b.a. UNITED STATES, therein creating the obligation of a debtor to repay or perform for which the "privilege" of "limited liability" for debts is extended to the new debtor.

443. PROOF OF CLAIM, the concept and principle of "limited liability" was not and is not taken from and developed from the Roman Church's practice of peddling "indulgences."

444. PROOF OF CLAIM, "conveyances" whether effectuated by pledge, hypothecation, or otherwise which will thereby render, ***a Private Citizen,*** insolvent, without "fair consideration" is not fraudulent. [See: Uniform Fraudulent Conveyances Act (Principal Provisions) (IRM 822), 392 2-87 Legal Reference Guide, p. 8051, § 4, which States: "Sec. 4. Conveyances By Insolvent - Every conveyance made and every obligation incurred by a person who is or will be thereby insolvent is fraudulent as to creditors without regard to his actual intent if conveyance is made or the obligation is incurred without fair consideration."]

445. PROOF OF CLAIM, all modern federal and State law; and specifically the so-called law as contained within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, does not appear in the form of codes patterned after the Code of Justinian, and often following it in places exactly.

446. PROOF OF CLAIM, Roman Civil Law is not a perversion of "private law."

447. PROOF OF CLAIM, Roman Civil Law is not also known as "Black Letter Law," a term which does not refer to the laws of "servitude" to the church or king; for which, use/employment of the color/word/term "Black" is not symbolic of the unquestionable (ex cathedra) authority of the priest (judges/legislators) dictates (private conscience), when clothed in his morning robe.

448. PROOF OF CLAIM, this "Black Letter Law" does not form the basis of all law, both State and federal; and specifically that of the United States as allegedly promulgated within the United States Code and/or ***specifically THE ACT OF MARCH 9TH, 1933 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY,*** thereof, and does not represent the most insidious form of slavery of mind; which, is not effectuated by entrapment through one-sided (unilateral); or implied, contracts which, ***a Private Citizen,*** is never aware of until he is hammered with compelled performance.

449. PROOF OF CLAIM, "private law" is not the "conscience law" of one being or entity acting as an alleged "source of authority"; and, there is liberty of conscience, of choice of contract as to its terms; and, the "offeror" of ALL Roman Civil Law Governments is not based upon the personal beliefs of the Emperor (Governor/President/Chief-Executive Officer); and, acceptance is not signified by "tacit procuration" wherein; and whereby, silence equates to "consent."

450. PROOF OF CLAIM, "Public Policy" is not "private law." [See: Hartford Fire Ins. Co. v. Chicago, etc. R.Co., 175 U.S. 91, which States: "The term 'policy' as applied to statute, regulation, rule of law, course of action, or the like, refers to its probable effect, tendency, or object considered with reference to the social or political well being of the State. Thus, certain classes of acts are said to be against 'public policy' when the law refuses to enforce or recognize them, on the grounds that they have a mischievous tendency, so as to be injurious to the interests of the State, apart from illegality or immorality."; Brown v. Brown, 88 Conn. 42; "Public Policy is a variable quantity; it must and does vary, with the habits, capacities, and opportunities of the public.", 36 CH.Div. 539; Chaffee v. Farmer's Co-Op Elevator Co., 39 N.D. 585]

451. PROOF OF CLAIM, the "conscience" of "private law" was meant to operate in forming or influencing "public law" or "policy."

452. PROOF OF CLAIM, the "conscience" of "private law" can operate without bilateral contracts; i.e., a contract in which both contracting parties are bound to fulfill obligations reciprocally towards each other containing mutual promises between the parties (each party being both promisor and promisee) and one which includes both rights and duties on each side, unless it was through a "trust," or "confidence" reposed.

453. PROOF OF CLAIM, "private law" has not always been concerned with "bilateral contract"; and, cannot only be used in or by Lawful Government for establishing private commercial relations called "licenses." [See: Aden v. Dalton, 341 Mo. 454, 107 S.W.2d 1070, 1073; Aust. Jur., § 308; Black's Law Dictionary, Rev. 4th Ed., p. 394, at "CONTRACT"]

454. PROOF OF CLAIM, "Public Law" for "private use" does not protect the identity of the People apart from civil Government; and, Roman Civil Law does allow for this. [See: Hale v. Henkel, 201 U.S. 43 (1905), which States: "The individual may stand upon his constitutionally secured rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, as far as it may tend to incriminate him. He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State. He owes nothing to the public so long as he does not trespass upon their rights."

455. PROOF OF CLAIM, the court's decision in Hale v. Henkel as cited supra, does not mark the beginning of a "collective entity rule"; and, does not establish the line of demarcation between "private law" to secure private unalienable Rights; as distinguished from "public law" for public commercial use; which, operating therein; and thereby, binds, ***a Private Citizen,*** to all obligations ensuing or arising therefrom. [See: Brasswell v. United States, 487 U.S. 99 (1988), which States: "But individuals, when acting as representatives of a collective group, cannot be said to be exercising their personal rights and duties, not to be entitled to their purely personal privileges. Rather they assume the rights, duties, and privileges of the artificial entity or association of which they are agents or officers and they are bound by its own obligations."; United States v. White, 322 U.S. 694 (1944); Wilson v. U.S., 221 U.S. 361 (1911); Wheeler v. U.S., 226 U.S. 478, 489, 490; Grant v. U.S., 227 U.S. 74, 80 (1913)]

456. PROOF OF CLAIM, the 1st Amendment to the Constitution for the United States of America, now adopted Charter of the federal municipal for-profit corporate juridical construct d.b.a. UNITED STATES, in its use/employment of the word/term "religion" does not refer to "conscience"; i.e., what, ***a Private Citizen,*** believes in his conscience is his religion; and, is not therefore a prohibition upon the agents of said Government to prevent one man or woman's; or a group of men's, personal conscience from being legislated into law as "public policy," thereby enjoining Government from interfering with a man or woman's right to express his conscience by making any 'public policy' based upon it. [See: Davis v. Beason, 133 U.S. 333, 10 S.Ct. 229, 32 L.Ed. 637, which States: "...the term 'religion' in this Amendment refers exclusively to a person's views of his relations to his Creator, though often confused with some particular form of worship, from which it must be distinguished; Thomas v. Collins (1945), 323 U.S. 516, 65 S.Ct. 315, 89 L.Ed. 430, which States: "First Amendment gives freedom of mind same security as freedom of conscience."]

457. PROOF OF CLAIM, a legislature; and specifically the Congress of the UNITED STATES, does have any authority or right to obstruct through "Public Law" or "Public Policy" the obedience of a man or woman; and specifically the Undersigned, which would cause such, ***a Private Citizen,*** to transgress the Law of his Creator. [See: Robin v. Hardaway (1772), 1 Jefferson 109; 1 Am.Jur.2d, § 14]

458. PROOF OF CLAIM, whereas the Undersigned serves the Supreme Heavenly Jehovah the Living God YHWH/JHVH and whereas, ***a Private Citizen,*** cannot serve two masters or he will tend to the one and despise the other, the Undersigned does have and or owe the UNITED STATES and any and all sub-franchise compact territorial State units ANY obedience, service, duty, obligation, or the like based upon lawful principals and or contract(s), real or presumed, expressed or implied, revealed or unrevealed.

459. PROOF OF CLAIM, prior to the Reconstruction Acts and the XIVth Amendment of the federal corporate juridical construct's Charter, courts did have jurisdiction of non-XIVth Amendment Trust "res,"; and, a want of a privity contract, or contract itself, did not act to deprive it of said jurisdiction over and within said matters.

460. PROOF OF CLAIM, that "privity of contract," or "contract" itself is not the dividing line between a court having "subject-matter jurisdiction," and "jurisdiction of the subject-matter."

461. PROOF OF CLAIM, a man or woman; and specifically the Undersigned, does not have to "contract" into the jurisdiction of the UNITED STATES, or any and all "STATE OF" sub-franchise compact territorial State units; and, at the heart of every "contract" does not lie a mystery involving the "transfer of the interest in property," which every "contract" embraces.

462. PROOF OF CLAIM, the ruling decision in Hanson v. Deckla does not sustain the proposition that the XIVth AMENDMENT to the federal municipal for-profit corporate juridical construct's Charter d.b.a. UNITED STATES cannot and does not work in favor of non-XIVth Amendment men; and specifically the Undersigned; and, it does not establish a dividing line between public (municipal) law and private law; i.e., jus gentium publicum v. jus gentium privatum, which are both international in character. [See: Hanson v. Deckla, 357 U.S. 235 (1958)]

463. PROOF OF CLAIM, House Joint Resolution - 192 (HJR-192) is not mutable by will; and, a man or woman; and specifically the Undersigned, can be compelled to act as a bankrupt or insolvent under private law for public charitable purposes. [See: Funk v. United States, 290 U.S. 371; Hanson v. Deckla, 357 U.S. 235 (1958)]

464. PROOF OF CLAIM, the General Assembly (legislature) of the United States of America is a body, which sits according to law of "Positive Act"; and, does not rather sit by "resolution"; i.e., expressing an "opinion," the subject matter of which would not and does not constitute a statute/law. [See: Baker v. City of Milwaukee, 271 Ore. 500, 552 P.3rd 772]

465. PROOF OF CLAIM, the "Reconstruction Acts" and the XIVth Amendment to the corporate parent's Constitution/Charter d.b.a. UNITED STATES has not allowed one man or woman's religious conscience in the Executive Branch thereof, in his capacity as Commander-In-Chief, to dictate "public policy" based solely upon his claim that "I am the State" in the eyes of International Law; and, said "public policy" does not become the religious conscience of every member of the XIVth Amendment eleemosynary corporate church State "public trust" whom have rewritten their Constitutions to conform to it.

466. PROOF OF CLAIM, that a man or woman's participation within this "public trust" scheme was not, and is, not voluntary.

467. PROOF OF CLAIM, the Vth Amendment to the Constitution for the United States of American, and as adopted by the federal municipal for-profit corporate Government juridical construct d.b.a. UNITED STATES, does pertain to the People of the States. [See: John Barron v. The Mayor and City of Baltimore, 7 Pet. (U.S.) 240; Spies v. Illinois (1887), 123 U.S. 131, 31 L.Ed. 80]

468. PROOF OF CLAIM, the Vth Amendment; unlike the XIVth Amendment to the respective Constitutions for and of the United States of America/UNITED STATES, does have an equal protection clause; and, has been incorporated into the XIVth Amendment. [See: Charles C. Steward Mach. Co. v. Davis, 301 U.S. 548, 575 S.Ct. 883 (May 24, 1937); La Belle Iron Works v. United States, 256 U.S. 377, 392, 41 S.Ct. 528, 532; Brushaber v. Union Pacific R.R. Co., 240 U.S. 1, 24, 36 S.Ct. 236, L.R.A. 1917D, 414, Ann. Cas. 1917B, 713; Curtiss v. Loether (1974), 415 U.S. 189, 192, n. 6, wherein the court ruled that the "common law" (Bill of Rights) is not incorporated into the XIVth Amendment; Minneapolis & St. Louis R.R. v. Bomblis (1916), 241 U.S. 211; Chauffers, Teamsters & Helpers, Local No. 391 v. Terry (1990), 110 S.Ct. 1339, 1344; Delima v. Bidwell, 182 U.S. 1 (1901)]

469. PROOF OF CLAIM, all contracts, whether express or implied, are not subject to the universal "essentials" of "contract law," pertaining to the fundamentals of the interaction between the parties.

470. PROOF OF CLAIM, a "contract" is not an agreement; e.g., as will be set and established by the parties to this Conditional Acceptance for Value and counter offer/claim For Proof of Claim, between two or more men/persons, which creates an obligation to do or not to do a particular thing.

471. PROOF OF CLAIM, the "essential" elements of "contract" are not 1) parties capable of contracting; 2) consent; 3) lawful object; 4) a sufficient cause or consideration; 5) mutuality of agreement; and, 6) mutuality of obligation. [See: H. Liebes & Co. v. Klengenberg, 23 F.2d 611, 612 (C.C.A.Cal)]

472. PROOF OF CLAIM, "agreement" can be vague; i.e. uncertain and not susceptible to being understood. [See: H. Liebes & Co. v. Klengenberg, supra]

473. PROOF OF CLAIM, the "essentials" of "consent" are not it must be 1) free; 2) mutual; and 3) communicated by each to the other. [See: Corbin, Contracts, 1 vol. ed., 1952]

474. PROOF OF CLAIM, "consent" is not an act of reason, accompanied with deliberation, wherein the mind is weighing in a balance the good (benefit) and evil (duty/obligation) of a proposed/offered "contract." [See: 1 Story, Eq.Jur., § 222; Lervick v. White Tops Cabs, 10 So.2d 67, 73, (la.App.)]

475. PROOF OF CLAIM, "consent" does not mean "voluntary" agreement by, ***a Private Citizen,*** to make an intelligent choice to contract or not to contract.

476. PROOF OF CLAIM, "consent" and "submission" are synonymous; and, a mere "submission" does necessarily involve "consent." [See: 9 Car. & P. 722]

477. PROOF OF CLAIM, "consent" can be obtained, and is free and mutual when obtained, through duress, menace, fraud, undue influence, and or mistake.

478. PROOF OF CLAIM, "fraud" is not an intentional perversion of the truth to induce another; e.g., the Undersigned within the above referenced alleged Criminal Case/Cause, in reliance thereon to part with a valuable thing or legal right belonging to him; and or, a false representation of a matter of fact, whether by words or by conduct, false or misleading allegations, or concealment of that which should have been disclosed, which deceives, and is intended to deceive another, so he acts upon it to his injury embracing all multifarious means, ***a Private Citizen,*** can devise to gain advantage over another; e.g., false suggestion, suppression of the truth, surprise, trick, cunning, dissembling, and any unfair way by which another is cheated.

479. PROOF OF CLAIM, "fraud" does not vitiate - i.e. make void; cause to fail of force or effect; destroy or annul the legal efficacy and binding force of an act or instrument every transaction and all contracts; and, does not destroy the validity of everything into which it enters, even the most solemn contracts, documents, and even judgments. [See: 37 Am.Jur.2d, Fraud, § 8]

480. PROOF OF CLAIM, "fraud" and "bad faith" (mala fides) are not synonymous; and, both terms are not synonymous with dishonesty, infidelity, faithlessness, perfidy, and unfairness. [See: Joiner v. Joiner, 87 S.W.2d 903, 915 (Tex.Civ.App.)]

481. PROOF OF CLAIM, "fraud" is not always positive and intentional. [See: Maher v. Hibernia Ins. Co., 67 N.Y. 292; Alexander v. Church, 53 Conn. 561, 4 A. 103; Studer v. Bleistein, 115 N.Y. 316, 7 L.R.A. 702; McNair v. Southern States Finance Co., 191 N.C. 710, 133 S.E. 85, 88]

482. PROOF OF CLAIM, "fraud" does not comprise all acts, omissions, and concealments involving a breach of a legal or equitable duty and resulting in damage to another. [See: 1 Story, Eq. Jur., § 187; Howard v. West Jersey & S.S.R. Co., 102 N.J.Eq. 517, 141 A. 755, 757]

483. PROOF OF CLAIM, the Constitution/Charter; be it State or Federal, is not a contract. [See: Padelford, Fay & Co. v. The Mayor and Alder, ***a Private Citizen,*** of the City of Savannah, 14 Ga. 438 (1854), which States: "But indeed, no private person has a right to complain, by suit in court, on the grounds of a breach of the Constitution. The Constitution, it is true, is a compact (contract), but he is not a party to it. The States are a party to it..."]

484. PROOF OF CLAIM, that rights and duties/obligations contained within and arising from a contract do not only effect and bind parties to said contract.

485. PROOF OF CLAIM, parties to a contract are not determined by signature.

486. PROOF OF CLAIM, ***a Private Citizen,*** not a signatory to a contract does have any rights; and, does have owe any duties obligations therein, and or arising there from.

487. PROOF OF CLAIM, the UNITED STATES' Constitution/Charter does operate over and upon the Undersigned.

488. PROOF OF CLAIM, there are clauses in the Federal Constitution/Charter that subject the Undersigned to the "statutory jurisdiction" of the UNITED STATES.

489. PROOF OF CLAIM, the UNITED STATES' Constitution does not operate solely over and upon only "office" holders; i.e., inter alia: officers, employees, agents, residents, citizens, public, and or persons of said corporate Government juridical constructs.

490. PROOF OF CLAIM, the Undersigned as a non-party and non-signatory to the UNITED STATES' Constitution/Charter does have any rights therein or arising there from; and, does owe any duty/obligation thereto.

491. PROOF OF CLAIM, there were at the time of the alleged violation(s) of statute(s)/law(s) within the above referenced alleged Criminal Case/Cause, and are now this present day, any valid, lawful, enforceable "contracts," real or presumed, expressed or implied, revealed or unrevealed, between the Undersigned and the UNITED STATES, wherein there was "full disclosure," "fair or valuable consideration," free and mutual "consent," of which the alleged "court of record" within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** took tacit (silent); or express, judicial notice of to bind therein the Undersigned to the "private law" in support of a "private right" of the United States as contained within the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, for a "breach" thereof, and acting to confer "subject-matter jurisdiction" of the alleged "breach" upon the court, and thereby allowing it to acquire the authority, right, and power to decide, make orders, and judgments binding and of legal force and effect over and upon the Undersigned.

492. PROOF OF CLAIM, the UNITED STATES does have a perfected; or otherwise, superior claim; i.e., lien hold interest, in the Undersigned, the Undersigned's Debtor; i.e., the all-capital-letter "named' defendant within the above referenced alleged Criminal Case/Cause, and the Undersigned's property.

493. PROOF OF CLAIM, the Undersigned is not the perfected superior lien hold claimant and principal Creditor of the all-capital-letter "named" defendant (Debtor) in the above referenced alleged Criminal Case/Cause, and property held in said "name."

494. PROOF OF CLAIM, the all-capital-letter "name" of the defendant within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does reference and or identify the Undersigned.

495. PROOF OF CLAIM, the Undersigned did agree to subordinate the Undersigned's "perfected security interest" in the Debtor; i.e., the all-capital-letter "named" defendant within the above referenced alleged Criminal Case/Cause, and property to the UNITED STATES.

496. PROOF OF CLAIM, the Undersigned is the "accommodation party," "surety," "fiduciary," and the like of the all-capital-letter "named" defendant within the above referenced alleged Criminal Case/Cause; and, is not rather the attorney-in-fact/Authorized Representative for same.

497. PROOF OF CLAIM, the United States did not become a "cooperator"; and, did not thereby lay down its sovereignty and take on the character of private citizens as a whole; and, can exercise no power which is not derived from the corporate Charter/Constitution. [See: The Bank of the United States v. Planters Bank of Georgia, 6 L.Ed., 9 Wheat. 244]

498. PROOF OF CLAIM, within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** the Prosecutor did post any indemnity bond to indemnify his actions to any injury to the Undersigned.

499. PROOF OF CLAIM, the facts as set, established, and thereby agreed upon by the parties to this Conditional Acceptance for Value and counter offer/claim For Proof of Claim; i.e., Respondent(s) and the Undersigned, do not apply and operate within and upon any and all previous alleged Criminal Case(s)/Cause(s) irrespective and regardless of what sub-franchise compact territorial State unit said were alleged within.

500. PROOF OF CLAIM, the Undersigned is and was a party to the above referenced alleged Criminal Case/Cause; and, was not rather a non-party thereto; and, said matter/dispute was not solely between fictional entities.

501. PROOF OF CLAIM, the all-capital-letter "named" defendant within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** did appear in court; and, did enter a plea; and, did waive or consent to the court's jurisdiction; and, was not absent from court.

502. PROOF OF CLAIM, any of the parties to and within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** are solvent; and, do possess the capacity to sue and be sued, or sue or be sued in "Representative Capacity"; and, can and did appear in court in said Criminal Case/Cause.

503. PROOF OF CLAIM, offenses created by statute(s) as contained within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof are created by common-law; and, are not offenses "malum prohibitum"; i.e., crimes only because prohibited by statute(s) (statutory offense(s)).

504. PROOF OF CLAIM, the statutes as contained within the United States Code and ***specifically THE ACT OF MARCH 9TH, 1933 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY,*** thereof do operate over and upon the Undersigned.

505. PROOF OF CLAIM, "statutory jurisdiction" is a lawful jurisdiction, lawfully created by the "fundamental law of the land" or common-law; and, that the Undersigned is subject thereto; and is bound thereto in any form or manner, contractually or otherwise.

506. PROOF OF CLAIM, the Uniform Commercial Code as codified within the United States Code and Code of Federal Regulations is not the controlling/governing law of; and within, the alleged "court of record." within the above referenced alleged Criminal Case/Cause.

507. PROOF OF CLAIM, a "negotiable instrument" is not a promise or order to pay and or perform; and, inter ali, *a* warrant of arrest, charging document (Indictment), orders, and judgment; and specifically such within the above referenced alleged Criminal Case/Cause, are not "negotiable instruments"; and, are not therefore governed by the Negotiable Instrument Law as made uniform within Article 3 of the Uniform Commercial Code codified in the United States Code and Code of Federal Regulations.

508. PROOF OF CLAIM, any lawful and or legal relationship (nexus), through contract or otherwise, does exist between the Undersigned and the "source of authority" for the United States Code and/or ***specifically THE ACT OF MARCH 9TH, 1933 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY,*** thereof; and, are therefore binding and of legal force or effect over and upon the Undersigned.

509. PROOF OF CLAIM, there was not fraud perpetrated within and against the Undersigned within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** by any and all parties involved therein; and, should the Respondent(s) agree; expressly or otherwise, to the facts contained within this Conditional Acceptance for Value and counter offer/claim For Proof Of Claim as said facts operate in favor of the Undersigned, such facts do not demonstrate, evidence, establish, and affirm fraud within said Criminal Case/Cause; and, said fraud does not vitiate all decisions, orders, the judgment, and the like within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** ab initio.

510. PROOF OF CLAIM, there does still remain any arguable basis for the court's "subject-matter jurisdiction" within the above referenced alleged Criminal Case/Cause; and, the judgment of said court in said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not therefore void ab initio.

511. PROOF OF CLAIM, that should the Respondent(s) confess the injury(s) to the Undersigned, set, established, and agreed upon by the parties hereto within this Conditional Acceptance for Value and counter offer/claim For Proof Of Claim, the Undersigned cannot exercise his "exclusive" remedy, being a Tort Claim, for the moral wrongs

committed by the Respondent(s), including but not limited to, "constitutional misapplication of the statute(s)," breach of this contractually binding agreement, conspiracy (two or more involved), denying your own "public policy," trespasses and moral wrongs committed by and through ultra vires acts not authorized/prohibited by the charter of the commercial vessel d.b.a. the United States of American, and other trespasses and moral wrongs known and unknown.

512. PROOF OF CLAIM, the Office of Risk Management does have any power, authority, and right derived from validly enacted statute/law, commercial law, contract law, or other to place or impose a cap/limit upon the amount of any Tort Claim submitted by the Undersigned in this matter and relating hereto, in regards to what they, acting for the insurer of said commercial vessel, will pay out on said Tort Claim.

513. PROOF OF CLAIM, that should the Office of Risk Management refuse or otherwise dishonor a Tort Claim submitted by the Undersigned, and as agreed upon by the insured and the Undersigned, the Undersigned cannot take other appropriate/remedial action(s) for remedy, which cannot include involuntary bankruptcy in a foreign proceeding for a said claim.

514. PROOF OF CLAIM, Respondent(s) do and will have any right to deny, argue, controvert, or otherwise protest the facts in the matters set, established, and agreed upon between the parties to this Conditional Acceptance for Value and counter offer/claim For Proof Of Claim within any forum/venue the Undersigned may choose to bring an action/proceeding in to obtain redress and remedy in this matter; and all matters relating to and arising from said matter; and, such act(s) upon the part of Respondent(s) will not be deemed and evidenced as act(s) of breach of said agreement, further attempts to perpetrate acts of fraud upon the Undersigned, bad faith, and the like.

515. PROOF OF CLAIM, the Respondent(s) do not have the "duty" and "obligation" to produce the "Proofs Of Claim," as requested herein, pursuant to the principles and doctrines of "clean hands" and "good faith" dealings with the Undersigned, and applicable statute(s) as they operate upon Respondent(s) as "office holders"; i.e., officer(s)/agent(s), of the corporate Government juridical construct commercial vessel d.b.a. by oath of office thereto, and contract therewith as a voluntary commercial indenture therein; and thereto.

III. CAVEAT

3.1 Please understand that while the Undersigned wishes and desires to resolve this matter as promptly as possible, the Undersigned can only do so upon Respondent (s') 'official response' to this Conditional Acceptance for Value and counter offer/claim for Proof of Claim by Respondent(s) providing the Undersigned with the requested and necessary Proof of Claims raised herein above.

3.2 Therefore, as the Undersigned is not a signatory; NOR a party, to your "social compact" (contract) known as the Constitution (Charter) of the UNITED STATES; NOR noticed NOR cognizant, of any agreement/contract between the UNITED STATES, and the Undersigned and specifically any obtained through FULL DISCLOSURE and containing any FAIR/VALUABLE CONSIDERATION therein, which would act/operate to create and establish a "relationship" (nexus) and thereby; and therein, bind the Undersigned to the specific "source of authority" for the creation and existence of the alleged statute(s)/law(s) as contained and allegedly promulgated within the "Code" known as the United States Code, which, with the privity of contract or contract itself would thereby; and therein, create and establish legal force and or effect of said statute(s)/law(s) over and upon the Undersigned; and, would also act/operate to subject the Undersigned to the "statutory jurisdiction" of the UNITED STATES, its laws, venue, jurisdiction, and the like of its commercial courts/administrative tribunals/units and thereby; and therein, bind the Undersigned to said courts/administrative tribunal's/unit's decisions, orders, judgments, and the like; and specifically as within the above referenced alleged Criminal Case/Cause; and, which would act/operate to establish and confer upon said court/administrative tribunal/unit the necessary requirement/essential of "subject-matter jurisdiction" without which it is powerless to move in any action other than to dismiss. The Undersigned once more respectfully requests the Respondent(s) provide said necessary Proof of Claims so as to resolve the Undersigned's confusion and concerns within this/these matter(s). Otherwise, the Undersigned must ask, "What is the Undersigned's remedy?"

The notice of removal is timely and complete and has been properly served.

Defendant received notice of this action on March 08, 2023. this notice is therefore timely filed pursuant 28 U.S.C.§ 1446(b).

This court has personal jurisdiction over the parties.

Defendant is the only named defendant in the complaint. All requirements for removal are met. See Emrich v. Tounche Ross & Co., 846 F. 2d 1190, 1193 n. 1 (9th Cir, 1988).

Defendant has provided written notice of this notice to cancel or record for plaintiff period a true and complete copy of this notice will be filed in the State Court Action.

PRAYER OF RELIEF

Therefore, defendant Thomas: Everette Jr. That this action be removed to the United states District Court for the Eastern District of North Carolina. Thomas: Everette Jr. request common law jurisdiction and entry as of judgement in his favor and against the defendant, and each of them as follows:

a. For punitive damages to punish and deter the instant type of conduct, conspiring against the unalienable rights and or participating in the deprivation of rights under color of law against Thomas: Everette Jr.
b. for general damages, just compensation for trespassing against the THOMAS EVERETTE JR. ESTATE.
c. For such other and further relief as the court may deem proper.

Dated: March 31,2023

BY:

Thomas Everette Jr. on behalf of the defendant

THOMAS EVERETTE JR.

PO BOX 5

BETHEL N.C. 27812